University of Cincinnati

Date: 8/9/2011

I, Eric Lose Ph.D., hereby submit this original work as part of the requirements for the degree of Doctor of Philosophy in Interdisciplinary Studies.

It is entitled:
Living on Ohio's Death Row

Student's name: Eric Lose Ph.D.

This work and its defense approved by:

Committee chair: James Wilson, PhD

Committee member: John Alexander, PhD

Committee member: Jon Christopher Hughes, MA

1968
Living on Ohio’s Death Row
A 10-year Ethnographic Study of Inmates Awaiting Execution

A dissertation submitted to the

Graduate School

of the University of Cincinnati

in partial fulfillment of the

requirements for the degree of

Doctor of Philosophy

In the Interdisciplinary Studies Program

of the College of Arts and Sciences

by

Eric Lose

M.A. University of Cincinnati

August 2011

Committee Chair: James C. Wilson, Ph.D.
Living on Ohio’s Death Row

Abstract:

Living on Ohio’s Death Row is about people who live in unusual and extreme circumstances. The research was empirical in nature and dependent on the role of the investigator as participant observer. Extensive field notes recorded all events, interviews and all contact with the inmates. All possible additional details were noted, including: experiences, emotional responses, sensory observations, evaluations and personal involvement between and with eight inmates confined to Ohio’s Death Row.

Despite long-running public controversy over capital punishment in America, there is a notable lack of research on Death Row populations. The majority of past academic research was quantitative; there was only one other qualitative study. This project was launched as a qualitative study to investigate aspects of DR confinement that were not well-represented in previous research efforts.

Death Row inmates go through much more than just execution: the process of capital punishment involves trial, sentence, confinement and appeals. The entire process – from crime to execution – often takes more than 20 years to complete. Additional information from research of the lives of men confined to Death Row will be beneficial to many: members of state and federal legislatures will be able to make more informed assessments about all aspects of capital punishment; judicial systems can produce more knowledgeable rulings, and; administrators in corrections can formulate better planning and implementation of policy, security and facility design.

In America, public opinion has a definite impact on the shaping of law. In 2002 the Federal Supreme Court announced a decision on the case Atkins vs. Virginia. The ruling ended any execution of persons with a mental disability, which signaled a major reversal in the laws related to capital punishment.1

Justice Sandra Day O’Conner wrote the majority opinion, which explained the deciding factor. According to the Court, a "public consensus" had emerged that demonstrated "evolving standards against executing people with mental retardation." 2

In the Atkins ruling the U.S. Supreme Court confirmed that public opinion is important and can have a major impact on their decisions. The information in Living and similar research can and should be presented to the general public in a format they can readily comprehend. Well informed citizens can and will make objective evaluations of important social issues, including the entire process of trials, sentences, confinement, appeals and executions as related to capital murder.3

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1 Atkins.
2 Mental Retardation.
3 Atkins.
Living on Ohio's Death Row
Acknowledgements:

For participation, time and letting me into their world:
Da'rryl Durr, A207-899
Greg Esparza, A179-450
James Goff, A317-302
Jerry Hessler, A338-096
Donald Palmer A215-600
Ronald Ray Post, A183-812
Frances Anne Spisak, A175-472
William Wickline, A178-066

For their help during the dark days:
Angel Caliwan Reyes Lose: always, always believes in me
Jennifer C. Pontevedra Lose: for continued support
Retchel Delos Angeles Lose: may you find peace
T. Maximilian Pontevedra Lose: Max, my Number One son

My biggest fans:
Edward Lose (father)
Linnea Lose (sister)
Virginia Lose (mother)

Ohio Department of Rehabilitation and Correction
Gayle Bickle: Chair, ODRC Human Subjects Research
Betty Mitchell: Warden at Mansfield Correctional Institute
Greg Morrow: Death Row Case Manager, he made it work
Lee Norton: Chair, ODRC Human subjects Research

University of Cincinnati
John K. Alexander: ultimate historian, ISP and PhD committees
Larry Anthony: taught me the language of proposals
Robert Frank: former director of ISP PhD program
Jon Hughes: ISP and PhD committees
Ed Latessa: ISP and PhD committees
Margaret Miller: former Chair of UC IRB
Jane Alden Stevens: she always expects my best, and gets it
James C. Wilson: patient, compassionate, Chair for my life
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Living on Ohio's Death Row
Introduction, Intent and Purpose:

Living on Ohio’s Death Row (Living) is about people who live in unusual and extreme circumstances. The research was qualitative in nature and conducted over a 10-year period spanning 2001 through 2011.

The research did not investigate – and the dissertation does not debate – legal or moral issues related to capital punishment. The project was launched to investigate the day-to-day lives of men awaiting execution in the State of Ohio.

The research was empirical in nature and dependent on the role of the investigator as participant observer. Extensive field notes recorded all events, interviews and all contact with the inmates. All possible additional details were noted, including: experiences, emotional responses, sensory observations, evaluations and personal involvement between and with eight inmates confined to Ohio's Death Row (DR).

The article is divided into the following sections: Introduction, Intent and Purpose; Timeline; Access; Methodology; Involvement; seven chapters on the inmates; Conclusions; Epilogue; Bibliography; plus an Appendix of documents related to the related.

The seven chapters on the inmates represent the bulk of the field study. Each chapter focused primarily on one subject's description of select aspects of life on Ohio's Death Row.

Despite long-running public controversy over capital punishment in America, there is a notable lack of research on Death Row populations. The majority of past academic research is quantitative; there was only one other qualitative study.¹

The bulk of prior investigation of the DR populace fits into three categories:

- Demographic studies that collected general data from prison records on age, race, gender, ethnicity, marital status, time on Death Row and education. These studies occasionally collected psychological and neurological information, family history, and data on literacy and intelligence. These demographic studies gave a broad view of the life and changes and trends of the DR inmate population.
- Clinical studies that obtained information by reviewing case files, surveys, questionnaires and occasional direct interviews. The clinical data provided good details about deficiencies, disorders and dysfunctional histories. However the overall body of research lacked consistency in methodology, samplings and reporting.
A third group of Death Row research reviewed prison disciplinary records and produced statistics on incidents of violence on DR violence. These studies helped predict the likelihood of future violent assaults on Death Row. Penal institutions used this data to improve security. 

All research proceedings for Living were approved in advance and monitored by the Human Subjects Research Review Boards at the Ohio Department of Rehabilitation and Corrections and the University of Cincinnati. Further descriptions of the approval process are in the section on Access.

Death Row inmates go through much more than just execution: the process of capital punishment involves trial, sentence, confinement and appeals. The entire process—from crime to execution—often takes more than 20 years to complete. Additional information from research of the lives of men confined to Death Row will be beneficial to many: members of state and federal legislatures will be able to make more informed assessments about all aspects of capital punishment; judicial systems can produce more knowledgeable rulings, and; administrators in corrections can formulate better planning and implementation of policy, security and facility design.

In America, public opinion has a definite impact on the shaping of law. In 2002 the Federal Supreme Court announced a decision on the case Atkins vs. Virginia. The ruling ended any execution of persons with a mental disability, which signaled a major reversal in the laws related to capital punishment.

Justice Sandra Day O'Connor wrote the majority opinion, which explained the deciding factor. According to the Court, a "public consensus" had emerged that demonstrated "evolving standards against executing people with mental retardation."

In the Atkins ruling the U.S. Supreme Court confirmed that public opinion is important and can have a major impact on their decisions. The information in Living and similar research can and should be presented to the general public in a format they can readily comprehend. Well informed citizens can and will make objective evaluations of important social issues, including the entire process of trials, sentences, confinement, appeals and executions as related to capital murder.

The research project Living on Ohio's Death Row was launched to investigate aspects of DR confinement that were not well-represented in previous studies. The similarities and differences of the methodologies used in Living and other research efforts are examined in greater detail in the Access and Methodology sections.

It is hoped that Living on Ohio's Death Row will inform and educate citizens and public officials about the lives of men and women awaiting execution. Additional research is
essential, and hopefully *Living on Ohio’s Death Row* will inspire others to conduct further, much-needed investigations into the many different aspects of the process of capital punishment.

###

1 Cunningham and Vigen (191).
2 Cunningham and Vigen (193-4).
3 Johnson (141).
4 Atkins.
5 Mental Retardation.
6 Atkins.
Living on Ohio's Death Row
Timeline:

3 Jan. 1999    Initial application to the ODRC
15 Mar. 1999   Initial application to UC IRB
5 Dec. 2000    Initial approval from UC IRB
24 Jan. 2001   Approval from ODRC
25 May 2001    Initial mailing to 20 inmates
13 July 2001   Initial interview with Greg Esparza
13 July 2001   Initial Interview with Frances Anne Spisak
13 July 2001   First letter from William Wickline
31 Aug. 2001   Initial interview with Jerry Hessler
7 Dec. 2001    Initial interview with Ronald Ray Post
7 Dec. 2001    Initial interview with James Goff
7 Dec. 2001    Initial interview with Donald Palmer
7 May 2002     Final approval for ISP PhD program of study
14 Jan 2002    Death of Jerry Hessler
27 Mar. 2003   Initial meeting with Mrs. Carlene Hessler
30 Mar. 2004   Execution of William Dean Wickline
20 April 2010  Execution of D'arryl Durr
14 Feb. 2011   Anna visits Frances Anne
17 Feb. 2011   Execution of Frances Anne Spisak
Living on Ohio’s Death Row
Access:

The process to gain access to Ohio’s Death Row population was long and arduous. *Living on Ohio’s Death Row* was the only project of its kind, which required a distinctive proposal and encountered unique problems.

At the outset, there were two primary stipulations required by the Ohio Department of Rehabilitation and Corrections: 1) the research had to be academic in nature and be overseen by a qualified university, and; 2) the ODRC required the submission of one proposal, to be approved by the Human Subjects Research Review Boards at both the ODRC and the University of Cincinnati.

More than two years were spent writing, rewriting and resubmitting proposals and navigating the hoops of the two boards in order to get permission to conduct the research and obtain clearance to interview.

There were numerous delays when the Institutional Review Boards at the ODRC and UC did not agree on several points. Although the two Human Subject committees were similar in purpose, there were major conflicts between the two boards on certain fundamental issues. For example, the ODRC’s primary concerns were related to State regulations regarding public safety and secure confinement of the convicted inmates. The University’s concerns were guided by federal regulations for human rights and protection of the inmate subjects. Unknowingly the proposal for *Living* found itself in the middle of a well-intentioned – yet problematic and oppositional – conflict.¹

The State’s concerns were solved in 14 months and the proposal for *Living* seemed – SEEMED – close to approval. However, the UC IRB raised further concerns and the proposal was rewritten four additional times. The ODRC held the trump card and rejected each of the new versions that had been subsequently approved by the UC IRB: each time the ODRC cited public security as cause to reject the additions.²

Aside from the public security/inmate protection controversies, UC’s IRB enjoyed debating certain ethical situations inherent in the proposal. Early on Margaret Miller, chair of the UC IRB said, “We had a great time discussing if your proposal qualified as literature or research.” ³

After more than two years, the ODRC and UC finally agreed on a joint proposal and approved the research and in-person interviews for *Living on Ohio’s Death Row.*⁴ Letters of approval are in the Appendix. (The approval letter from UC IRB is misdated: the letter was sent on January 24, 2001.⁵)

###
Phone call to author in December of 2000 from Lee Norton, former chair ODRC Human Subjects Research Review Board. Mr. Norton emphasized the ODRC's concerns and frustration.

Phone call to author in December of 2000 from Lee Norton, former chair ODRC Human Subjects Research Review Board.

Phone call to Margaret Miller, former chair UC IRB in April of 1999.

Approval sent first by email, then by postal mail: proposal and approval letters in Appendix.

Post-marked envelope in possession of author.
Living on Ohio's Death Row
Methodology:

Data was collected through various first-hand processes, the most valuable being repeated personal interviews with inmates and family members. Additional information was gathered from the participants by postal mail, email and phone calls.

Historical facts and figures were collected from trial transcripts, clemency reports, newspaper articles and various Internet web sites. All correspondence and notes from interviews, observations and phone calls are in the author's possession.

Although many of the prior research efforts seemed thorough in nature, there was scant reporting on the impact of the DR environment on inmates.\(^1\) Only one previous report was qualitative: in 1979 Robert Johnson published "Under Sentence of Death: The Psychology of Death Row Confinement."\(^2\)

Johnson conducted one-time, "tape-recorded in-depth interviews" with 35 men during the month of September of 1978.\(^3\) The interviews focused on prison conditions, methods of coping, and the inmates' feelings about their surroundings and impending executions.\(^4\)

The meetings for Johnson's research took place at Holman Prison in Alabama. The space provided was located inside the death house, in one of two rooms used to seat witnesses during the executions. The witness room was directly adjacent to the execution chamber, and during interviews the inmate subjects were seated in a position that gave a close-up and clear view of Alabama's "electric chair named Old Sparky."\(^5\)

The interview room at Holman Prison was dirty, stuffy, filled with smoke from both inmates and investigator and exceptionally hot: temperatures often exceeded 100 degrees Fahrenheit. Johnson wrote that the conditions of the room created a bond brought on by the shared suffering endured by interviewer and subject.\(^6\) Johnson also wrote in his research paper that the unfavorable conditions might have enhanced the collection of data.

The investigator for Living felt that inmates were more honest and open due to the confidential, comfortable, private (no tape recording) and relaxed setting. It is believed that the interview methods, extended access and conditions for Living on Ohio's Death Row were more favorable than what was available to Johnson and other previous studies. The collection of data for Living was enhanced by the improved atmosphere, cleanliness, privacy, comfort and location. The interview setting for Living seemed conducive to gathering more open and accurate information.

I was not permitted to bring anything into the prison other than notebooks and pencils. The corrections officers were very cooperative and I was given permission to bring in
small bills and coins to use in guards’ vending machines. I purchased lunch for myself and soft drinks and snacks for the inmates.

The improved conditions made available for the research of *Living on Ohio’s Death Row* were the end result of hard work and good fortune.

Officials at the Ohio Department of Rehabilitation and Correction (ODRC) were responsible for the extended access and favorable interview settings provided for *Living on Ohio’s Death Row*. Greg Morrow, case manager of Death Row at Mansfield Correctional Institute (ManCI), selected the space and made all arrangements. Morrow was extremely cooperative, cordial, interested and voluntarily provided additional documents, insights and information that were very beneficial to the study.

The research proposal called for random selection of subjects. The original intention was to mail recruitment materials to 20 inmates per month until six to ten volunteers completed and returned the proper, signed releases. The first mailing took place within 60 days of final approval. DR inmates have very limited funds and the ODRC advised that all written communication should include postage-embossed return envelopes, which were pre-addressed to a local PO Box.

News travels fast on Death Row. No further mailings were necessary: word of mouth was far more efficient than the post office. Within 48 hours of the first delivery, all 204 inmates were aware of the project.

But Death Row inmates are cautious and can be slow to trust and act. Eventually, after three weeks, the first response arrived from Gregory Esparza, A179-450. Esparza had been on Death Row since 1984.

Many inmates were advised by their attorneys that participation could adversely affect their pending appeals. Eventually Esparza’s influence spurred more volunteers. In less than two weeks after receiving Esparza’s first letter, six of the 200-plus condemned inmates consented to meet for interviews about their lives.

In the months following, more inmates wrote and offered to participate, but were judged as not satisfactory for the project. The inmates selected for interviewing wanted the world to learn about Death Row. Several applicants were rejected because their primary reason for participation was to garner publicity for their cases.

Some of the most insightful input came from inmate William Dean Wickline, A178-066. Wickline would not meet for interviews or sign the required releases, but opted for a pen pal friendship. Wickline was brilliant, eloquent, and wrote things about life on
Death Row that the others could not or would not verbalize.\textsuperscript{8} I learned much later that Wickline was the most respected and feared man on Ohio's Death Row.

Wickline's information was very valuable and had the potential to enhance the research and reports. However technically, it could not be included unless he signed the releases. A solution to the dilemma was agreed upon after consulting with members of the two governing IRB boards. Portions of Wickline's material could be included, but not cited or attributed to him.

The ODRC approval did not include tape recording of interviews, but instead left the decision up to Greg Morrow, the DR case manager. It was suggested that the presence of a tape recorder and microphone would inhibit open and honest responses. Consequently all details of the interviews and all other events were recorded in handwritten notes. I did not want to interrupt the natural flow of conversation and used my own version of “notehand,” scribbling every third or fourth word. All notes were transcribed at day's end in the motel room or at interstate rest stops during the drive back to Cincinnati.

On rare occasions I would ask the inmates to wait so I could capture something verbatim. All quotes were as accurate as possible under the allowed circumstances, and important details were verified by repeated inquiry during subsequent interviews.

On each trip, after arriving at Mansfield, it took one to two hours to reach the interview room, and 30 to 60 minutes to leave the prison at day's end. Total time per day was limited to six or seven hours, because I was not permitted to stay over during shift changes. I could usually interview two or three inmates per day, two to three hours each person. On one occasion my time was cut short and I was hustled out of the complex with no formal explanation: one guard said the reason was “a security situation.”

Sometimes I made a one-day trip and interviewed two to three men, other times I stayed overnight and tried to visit four to six in two days.

All the subjects looked forward to my visits, and Spisak and Hessler always wanted advance notice so they could be showered, shaved and neatly dressed. Most visits began with one topic: Jerry Hessler wanted to know the subject in advance so he could prepare quick answers and then devote more time to current events.

Hessler's interests in outside events brought about the first contact with a family member. Jerry had asked to see the new $20-dollar bill and five-dollar gold coin that were issued in 2002. I had only the bill with me and promised to bring the coin to the next interview.
Before we could meet again, Jerry Hessler died in his cell on 14 Jan. 1973. The autopsy report said that Hessler died from damage to his heart that he incurred during the commission of his murders.

Two of Jerry's intended victims — Doug and Judy Stanton of Ashland, Ohio — were warned in advance of Hessler's shootings by the local police. Jerry arrived at their home, fired three shots into the back door and kicked it open. Doug returned fire and struck Hessler in the chest. Jerry had worn a bullet-proof vest and Stanton's bullet did not penetrate the body armor, but the impact caused permanent damage to the left side of Hessler's heart. "He came out low," said Hessler. "The guy was good, I didn't expect it."

Mrs. Carlene Hessler, Jerry's mother, called and informed me of his death and invited me to the funeral. Mrs. Hessler was pleased that I attended the service, talked extensively and agreed to meet further. I showed Mrs. Hessler the coin and told her of Jerry's request to see the five-dollar token. Mrs. Hessler then suggested that I place the coin in Jerry's coffin: it was my way of saying "goodbye" to a tormented man that I began to know and understand.

In addition to interviews, a large amount of data on the men's lives was collected through phone calls and letters. Between visits I accepted collect calls from the participants. The ODRC monitored and limited inmate calls to 15 minutes.

If I was not home, Jennifer and Max — my wife and son — were instructed to accept the calls. The inmates were glad for the opportunity to talk to someone on the outside. Jennifer was a bit shy because English was not her primary language, however Max loved talking with new people.

In order to receive mail from the inmates, I had to supply them with postage embossed envelopes. Stamps were not permitted, as they could be used as currency to barter.

To the best of my knowledge, no one else has conducted long-term, repeated interviews in a Death Row environment. Spisak once mentioned, "You're the only guy they let in here to do this." In 2004 an Ohio State University graduate student distributed mental health questionnaires to the Death Row men, but did not conduct interviews.

**Research methods:**
The research was qualitative and the methods were fairly simple:

- Inmates were randomly selected to receive recruitment material
- All releases were composed at an eighth-grade reading level
- Interviews were conducted one-on-one, in a private setting
- Interview material was collected by hand-written notes
- I was not permitted to photograph inmates or the facility
- Interviews and phone calls were not tape recorded
- With inmate permission, family members were contacted
- I was a guest of the institution and security was the guiding concern

###

1 Johnson (192).
2 Johnson (148).
3 Johnson (191).
4 Johnson (150).
5 Cunningham and Vigen (151).
6 Johnson (151-2).
9 Interview with Jerry Hessler; 22 Nov. 2001.
10 Interview with Frances Anne Spisak; 13 Sept. 2002.
Living on Ohio’s Death Row

Involvement:

The ODRC granted permission to conduct interviews in private and had no restrictions or stipulations regarding information that I obtained. Inmates frequently spoke about behaviors that were both common and in violation of regulations.

The purpose behind *Living on Ohio’s Death Row* was to report on the culture and environment. Inmates routinely broke regulations as a part of daily life. In order to provide an accurate description and analysis of the Death Row culture, all behaviors needed to be included in the report. However, I was there in the role of participant/observer and felt it was not my position to divulge illegal activities.

On one occasion, an inmate threatened to shut down the study if I did not import contraband for our next interview. In an effort to protect my reputation and the study, I informed the DR case manager of the situation and dropped the offender from the project.

I had gained a lot of experience in interviewing prior to the start of *Living on Ohio’s Death Row*. I had done hundreds of one-on-one interviews when writing for different publications. Most of the articles were biographical in nature and focused on the person’s career or accomplishments. The meetings were brief, to the point, usually concluded in less than an hour and I rarely needed to see someone a second time.

The interviews for *Living* were markedly different: they became deeply personal and spanned many years. There are varying descriptions of the role of participant observer in field studies, but all include some level of personal involvement with the group being studied. From the start, I continually monitored and evaluated my involvement with the subjects. I needed to get close to learn about their world, but I did not want the study to be influenced or swayed by my personal relationships. I was there to learn, not live.

Over the course of time I experienced an increased level of personal involvement with the subjects. I unintentionally developed different levels of friendships with six of the eight inmates.

I discussed my feeling with the men: I wanted to know if they felt there was any possible conflict, or if they would feel "used" if I received any personal gain from publication. Six of the eight replied and their feedback was positive.¹

During the 10-year period of study I continually challenged myself to ascertain if my personal relationships could hinder the quality of the data. I believed that my relationships with the men did not influence the outcome or conclusions of the research, but I felt the topic should be discussed and open to outside valuation.
Three of the inmates joked that I’d be a fool to double-cross someone with their particular history of homicide: each of the three was convicted of multiple capital crimes. The crimes of each of the three men represented one of the categorical definitions of the three types of multiple homicides. The particulars of their crimes were: Jerry Hessler – mass murder (four killed, two wounded in one afternoon); Charles John\textsuperscript{2} – serial homicide (unknown total of victims, law enforcement estimated eight to ten murders); Frances Anne Spisak – spree killer (three killed, two wounded over a period of 10 weeks).\textsuperscript{3}

Admittedly, as we became closer, the interviews were more relaxed. As our mutual trust increased, the men were more open and began to reveal the more intimate details: they discussed their personal feelings about their crimes, childhood, time on Death Row and impending execution. I realized that the more I disclosed about my life, the more they talked about theirs.

For the first 18 months I viewed the men in terms of their crimes. When the interviews became more personal, I began to see similarities between us and began to think of them more as regular people, not killers.

My unintended personal relationships allowed me to collect more accurate and complete data. The downside became apparent when it was time for the first participant to be executed. The inmate’s clemency reports included detailed reports of the murders and the victim’s impact statements.

It was hard to deny why they were on Death Row, yet it was even harder to deal with their loss.

In the initial mailings inmates were warned that interviews were not confidential.\textsuperscript{4} However, as inmates became more relaxed they began to reveal details about their lives and crimes that could potentially have a negative impact on their appeals.

I decided that all information important to the study and final conclusions of the research would be included. Any details that would be harmful to the inmates' appeals, his family or the family of the victims would be kept confidential and not be available to the public.

Inmates on Ohio's Death Row cannot receive packages or money from family or friends. The inmates can purchase supplies from select vendors, but the payments must be issued by the ODRC, which uses funds that are on the inmates commissary account. Friends and family cannot send funds directly to the prisoner; they must send money through the ODRC to be placed on the inmate's commissary account.
Only one of the eight subjects asked for money, and he continually asked. I did not provide funding for any request; however on a few occasions I did place money on some of their commissary accounts.

As a favor, some of the inmates began providing me with hard-to-get materials. Esparza sent me many items by mail, some of them I could not have obtained on my own. Without being asked, Esparza sent institutional maps of the Death Row pods, inmates' complaint forms, commissary forms and 37 evidentiary photographs taken after the DR riot in September of 1997 (Greg obtained the photos from another inmate).

The photographs arrived with a note from Greg that read, "Just like Morgan Freeman said, 'Everything's for sale in here.'" I knew Esparza had acquired the material either through purchase or intimidation: a few weeks later I mailed Greg a thank-you note and placed $20 on his account.

Donald "Duke" Palmer was a self-trained artist; he mailed me a nice color sketch of his cell and a number of abstract oil paintings. Palmer also arranged for me to purchase a set of 10 sketchings that portrayed life from an inmate's perspective. Palmer offered to purchase the drawings from another inmate; in return he asked me to put $20 on his account so he could order more supplies for oil painting. After receiving the promised sketches, I placed $20 on Palmer's account.

After the third round of interviews, there was a marked increase in the participants' enthusiasm for the study: the inmates wanted the outside world to learn about Death Row. They began to send me materials that depicted their environment, and asked what else I needed.

Eventually several participants bartered for materials that were useful and hard to obtain. In time, I felt it better to reimburse them and avoid any chances of possible you-owe-me situations. This only happened on three occasions, in denominations of $20 or less. We came to a mutual agreement that I would only reimburse for materials if arranged in advance.

Duke Palmer was an accomplished painter. Duke mailed me beautiful, hand-painted cards every Christmas since 2001. Inmates at ManCI could display and sell their arts and crafts in the general population visiting room. Items not sold within 60 days were returned to the artist. Palmer mailed me a number of his unsold items as gifts and I reimbursed him for the postage.

I felt that items I purchased or received as gifts did not influence this report. Living was ethnographic in nature: I reported on what I saw, sensed and was told. I appreciated gifts and favors and honestly felt they did not influence the reportage. The inmates were glad that someone cared and they were eager to help.
Different cultures view gift giving in diverse ways. The men on Ohio's Death Row gave gifts to show respect and appreciation. The condemned have little access to funds: a hand-made card or small favor meant a lot to them and the receivers. To refuse or return their offerings and favors would have been disrespectful and dampened their zeal for the project.

At the start I had no idea how large and time-consuming *Living* would become. In the original proposal approved January of 2001, I estimated that interviews would be completed in two years. The ODRC allowed more time, but they ran out of patience and asked that I conclude in-person interviews by the end of March, 2006.

In March of 2005 the ODRC announced that it planned to close the Death Row facility at Mansfield. The ManCI DR prisoners would be gradually transferred to a new Death Row at Ohio State Penitentiary in Youngstown. I was down to five subjects because James Goff stopped communicating, Jerry Hessler died in his cell and Bill Wickline had been executed.

By September of 2005 three men were transferred to Youngstown and two remained at Mansfield. The warden at OSP allowed me to conduct two interviews each with Esparza and Palmer; in June of 2006 I was added to the visiting lists for both men. I have and will maintain constant contact with all subjects and family members as long as they consent. The ODRC will allow me to continue interviewing after this report is completed.

In December of 2010 I completed 10 years of research of Ohio's Death Row. Four of the original participants were still alive, actively involved with the study and maintained regular communication by phone and mail. As a Christmas present and thank-you, I put $10 on the commissary account of each inmate. Their dedication and friendship made this study possible.

###

2 Charles John is a pseudonym. Charles was convicted and sentenced to death for one count of aggravated murder, but he was wanted for six to eight additional dismemberment killings in Ohio and West Virginia. Charles was articulate, exceptionally insightful and contributed to the research by mail on a regular basis. He declined to sign releases forms and we agreed that his contributions would be nameless. His death released me from legal obligations of anonymity, but I felt duty-bound by personal ethics and adhered to our original agreement. In short, I made a promise and kept it after he died.
3 According to Holmes and Holmes in *Serial Murder* there are three distinct categories of multiple homicide: Mass murder is the killing of three or more people at one time in one place (17); Spree murder is the killing of three or more people in a 30-day period (35); Serial murder is the killing of three or more people in more than a 30-day period, with a significant cooling-off period between the killings (5).
Copies of inmate recruitment materials are located in the Appendix. Details of anonymity were covered in the Inmate Cover Letter. "Anything we discuss may appear in the story and you can refuse to discuss any questions. People's real names, including yours if you participate, will be used in any articles — there will be no anonymity. In short, don't tell me about it if you don't want someone to read it."

Esparza was referring to the role of "Red" played by Morgan Freeman in the film Shawshank Redemption. In the movie, Red was a life-term inmate with a reputation for procuring hard-to-get items of contraband. The protagonist Andy Dufresne, played by Timothy Robbins, asked Red if he could acquire certain unusual items (a Rita Hayworth movie poster and a rock pick). Red replied, "I'm the guy who can get it for you . . . Damn near anything, within reason." The movie script for Shawshank Redemption, was posted on the web site for Internet Movie Script Database (IMSBd.com); 8 Aug. 2011.

Note and photographs from Esparza; 27 July 2004.
Letters from Palmer and his fiancé; 18 and 27 Jan. 2006.
Proposal to ODRC in Appendix.
ODRC letter to author; 6 Jan. 2006.
ODRC letter to author; 6 Jan. 2006.
Living on Ohio’s Death Row: Chapter One
The Baptism

Death Row was not what I imagined.

I began this project with preconceived, false ideas about life on Death Row. My mental image of Ohio’s Death Row was of a violent world run by cold-blooded killers. What I discovered was quite the opposite.

Since 1995 anyone sentenced to death in Ohio had been housed at the Mansfield Correctional Institute (ManCI) in the north-central part of the state. Ohio’s Death Row was a separate maximum-security complex located inside of the medium security ManCI prison. ¹

The first trip to interview began with nervous anticipation, which never entirely dissipated.² After each round of bimonthly interviews and exposure to the culture of the damned I experience three or four days of confusion, depression, and self-doubt.

I discovered things about humans I did not want to know. As one corrections officer put it, most of these men had been just like the guy next door. At the time of their crimes they had no prior convictions; they had wives, kids, and regular jobs. “But,” he said, “somehow a switch got flipped.” Most of their crimes were extremely savage and now they were living in a world where on occasion violence, brutality, manipulation, and extortion were a part of everyday life and often necessary for survival.

Some inmates were easy to talk with, others very difficult: one would go on and on about how the world should be; another professed innocence with claims so outrageous they were insulting to listen to; and yet others spoke of their guilt and impending execution with unsettling frankness.

Donald “Duke” Palmer and Jerry Hessler had accepted their fate. They were brilliant, and though unschooled, extremely eloquent and always frank. At times both considered dropping their appeals and getting the inevitable over with, but they both had adjusted to life on Death Row and alternately decided to continue their appeals and “hang on for a while.” Conversations about their executions were what I needed to hear, but they chilled me and made the usually depressing drive home very tedious.

Living under a sentence of death takes away the fear of reprisal for day-to-day actions. During one interview an inmate who had been beaten and stabbed was discussing his imminent retaliation. If he did not counter the attack, he would be further victimized. If he killed the offender, “So what? They gonna execute me twice?”³

Regardless of your beliefs about capital punishment, exposure to life on Death Row can be disconcerting and troubling. Over the years my personal stance on crime and
punishment had pendulumed from liberal to conservative and back. Most of my life I had been a pacifist, and now I found myself regularly conversing with men who killed humans, some with guilt, remorse and shame, and some with pleasure. At first I was taken aback by the way they lived, but after lengthy exposure to the culture of Death Row our conversations about the inmates' actions began to feel normal. In all honesty this project changed my basic beliefs about good, evil and humans.

In the beginning months of interviews I continually reminded myself to stuff emotions and maintain a professional distance from my subjects, but I could not do it. The process of getting acquainted was similar what I have experienced in other situations of ethnographic and action research and immersion reporting. I can liken the process of acquaintance with the inmates to dating a new girlfriend: the first visit I met the bravado person they wanted me to see. By the fifth or sixth trip the walls started to drop, personal intimacy grew, and I began to get peeks into a human culture that I sometimes wish I had never seen.

My personal confusion increased the more I got to know the inmates. These were men with personality traits on opposite ends of the spectrum: extremely charming and rapaciously savage; predatory yet compassionate; highly intelligent but in some instances out of touch with reality; lonely yet shunning family visits.

All six arrived on the Row with a Gary Gilmore attitude of “I don’t want to live like this, so ‘Let’s do it.” Eventually they adapted to the surroundings and began to fight for their lives through a series of appeals contesting their convictions and sentences. D.R. inmates are isolated in solitary cells 23 hours a day. I was a novelty in their lives: someone who would listen. Much of our time was spent in open-ended conversations about their day-to-day lives. I asked questions and they were free to talk about anything, but by prior agreement I did not inquire about their crimes, guilt or innocence, or pending court actions.

The six interview volunteers and their dates of admission were: Gregory Esparza, 23 May 1984; James Goff, 28 Aug. 1995; Jerry Hessler, 8 Nov. 1996; Donald Palmer, 1 Nov. 1989; Ronald Ray Post, 12 Mar. 1985; and Frances Anne (Frank) Spisak, 13 Sept. 1983.

Right from the start there were small indications of how life on Death Row differs from serving a sentence in the general prison population. In the prison world Death Row inmates are respected and feared. As inmate Ronald Ray Post put it, “We’re at the bottom of the barrel of society, but in here we’re the elite.”

Aside from the 200-plus on Death Row in Ohio, Mansfield houses about 2,300 medium security inmates. I had seen the movies and read about prison life but was unprepared
for many things I encountered. To assuage my nerves the first time inside, I was in a chatty, people-pleasing mode, talking to whoever was near. While being transported or waiting at the guard stations I encountered several general population inmates working jobs within the outer limits of the Death Row complex. There was little response to my attempts to initiate conversation and I noticed something unusual: no eye contact. I got a lot of sideways glances and downcast views, but no straight-on looks. A former inmate told me that unless you know someone really well, direct eye contact is usually considered a challenge. The unwritten inmate rules about eye-contact changed when I got to Death Row.

During one-on-one meetings with the inmates, as soon as security was finished and the guards left, the condemned inmates would look me straight in the eyes and smile. And they maintained the eye contact for almost the entire session, only looking away when being evasive. Their initial gazes were not threatening but sort of a friendly version of a heavyweight boxer’s pre-fight stare-down. They were sizing me up, looking a wee bit smug and putting me at ease all at the same time.

But the stares of the Death Row inmates are not always friendly; sometimes they were frightening. When heavyweight boxer Mike Tyson locked gazes with his competition in mid-ring, he looked evil. Even on television it looked to me like the world’s most sinister glare. But now I’ve seen worse: staring into the eyes of an angry, vengeful Death Row inmate chilled my soul. Esparza had a heated confrontation with a guard just prior to our seventh interview. When Greg entered the interview room I discovered that an Death Row inmate has the eyes of a shark: cold, black, calculating and deadly silent.

Greg said something that I viewed as a warning to the guard and a bit of personal machismo to impress me, “Eric, you know, people should never fuck with a man who’s got nothin’ to lose.”

The general population inmates show their respect for the condemned in an almost subservient fashion. One nice Spring day as I was about to enter Death Row there was a group of 10 or so general population prisoners hanging out near the entrance to the complex. Their conversation was boisterously loud with lots of laughter, name calling and clowning. The door to the complex was buzzed open and a Death Row inmate appeared wearing a white transport jumpsuit and security chains and shackles, accompanied by two guards. As soon as he came into view the raucous group fell totally silent and turned their eyes to the ground.

The inmate was being escorted on foot a distance of a few hundred yards to the infirmary. Once he exited the DR complex, he stared up at the open sky, took a deep breath of the fresh air, had a quick glance around at everybody, smiled, perked up his posture and hobbled to his appointment. It’s hard to appear superior when you’re
walking in shackled eight-inch baby steps, but somehow he pulled it off. As soon as the DR inmate cleared the first gate, the still-silent group dispersed.

I quickly learned that what I observed was as important – and often much more concise – than what I heard in the interviews.

Each time I visited, my briefcase and notebooks were inspected with an x-ray machine and a series of six correctional officers escorted me through a metal detector, nine key and electronically locked two-inch-thick steel doors, four electronically operated gates through 15-foot high fences topped with rolls of razor wire and undermined with electronic sensors, three additional sign-in logs, and innumerable security cameras.

After passing through the initial sign-in and inspections and the third steel doorway, a guard took me on a 300-yard golf cart ride through two of the fenced gates and dropped me at the main entrance to the complex. Another electronic "AAANNNGGGHHHH" as I was buzzed through the fourth door: the passing, racketing current holding the bolt open seemed to vibrate deep into the seventh vertebrae at the base of my neck.

Next I had to bend down and call my name through a steel slot at the base of a shatterproof window. Forms were checked and verified and my visitor ID tag was inspected through the window.

It was tough for guards to read those little tags through the inch-thick Lexan pane; taped up on the inside was an 8 by 11-inch plastic page magnifier. It was a little hard to get my tag up against the magnifier; I had to finagle my hand between the two-inch steel bars that encircled the office. Beyond the bars, three guards scrutinized closed circuit video screens in an office filled with computers and touch-screen monitors that operated the lockings, and a wall full of big, 6-inch brass keys.

I was still facing the control room when something on the left caught my attention. Before I was fully focused on it, mixed feelings of dread and depression washed over me. To my left was locked-door number five with the first stark inkling of what was on the other side. Like all the others it was covered in light brown paint and there was a one-and-a-half inch key slot, around which the multiple oil-based coats were worn almost through by the constant rubbing of keys. In the center about hip-high below the window, stenciled in glossy-black, spray-painted, three-inch-high letters were the words...

DEATH ROW
I stood there . . . stunned . . . fixated on those two words. As soon as they are sentenced, the stunned and convicted are quickly cuffed, shackled, chained and whisked out of the courtroom, stuffed in a cruiser and rushed to Orient for processing. A few hours later they arrived at ManCI and looked at that same door. The men told me that even though they anticipated the sentence, the official pronouncement was crushing.

I wondered what it must have felt to stand where I was, with fresh deer-in-the-headlights, sunken-gut feelings and read those two words. I thought "It must feel like a perverse welcome mat to your death."

A minute later a guard appeared on the other side of the door, there was another electronic lock-opening buzz and I was inside the complex.

Unlike the movies, there was no cacophony of voices, catcalls of “fresh fish,” or screams of lament when I entered Death Row. I was blanketeted by an ever-increasing, oppressive silence as if descending into an auditory limbo. Only three sounds usually interrupted the domineering quiet: slamming 200-pound steel doors, the jingling of chains, and the faint sound of old rock and roll.

Far off in the distance, somewhere around the corner at the end of a long, bare, semi-dark concrete hallway with a freshly mopped and waxed shiny floor I heard the tinny blare of a cheap radio playing classic rock through the stillness – Pat Benatar singing “Hell is for Children.” As I was being escorted from the scheduling secretary’s office to the intersection of cell blocks DR 3 and 4, I heard Eric Clapton’s version of “I Shot the Sheriff.” No hidden musical messages; it was just noise to beat back the boredom for the guards. There’s not much activity on Death Row.

The doors slammed with such force that the shock waves seem to jar my bone marrow. Three more and I was inside DR 3; another sign-in log and I was directed to a 12-by-21 foot cinderblock room set aside for attorney visits, psychological consultations and supply storage. Court-appointed attorneys and psychologists used this room on rare visits with inmates to proffer attempts to overturn convictions or sentences or just delay the inevitable. A 4-by-8 foot steel shelf standing in the corner was filled with cases of bar soap, individually wrapped packets of saltine crackers, and toilet paper. The room reflected the lives of the inmates: sterile cleanliness, absolute boredom, and bare sustenance.

I had been up since 4 A.M. Four hours of driving and one hour being processed in. Tired and nervous I sat in silence for 20 minutes while the guards began moving Greg Esparza, the first inmate I would interview. Greg arrived on Death Row 18 years before,
shortly after his 21st birthday. Convicted of murdering a convenient-store clerk during a $110 robbery, he claimed innocence.

In August of 1999 the U.S. Sixth Circuit Court of Appeals overturned Esparza’s death sentence and reduced it to life in prison. Esparza was eligible for a parole hearing, but remained housed on Death Row pending the state’s appeal of the Sixth Circuit’s decision. Esparza could almost taste freedom, but two years later his Sixth Circuit victory was reversed, he received another execution date, and the appeals started all over again.

I did not sleep the night before, too much apprehension, excitement, fear and anticipation. Word was out in A pod of DR 4 that I was coming. Two inmates I would interview next trip, Jerry Hessler and Ronald Ray Post, were in the exercise area looking through the glass. When the guard yelled out “Esparza, you got a visitor,” they pointed at me and mouthed, “Are you Eric Lose?” They knew I was coming to see Greg at 10, and had somehow arranged for their daily hour of exercise to be in the indoor recreation cage that had a view of the guard desk and entrance to the block. Two guards went to fetch Esparza. Inmates are always put in some type of restraint system before leaving their cell, so Greg put his hands together at his waist and stood in front of the food slot in his door to begin the process. His wrists were cuffed; the bracelets were attached to a 4-foot chain that would encircle his waist, and he turned around so it could be padlocked in the back. These were called visiting chains: they allowed some arm movement so was possible for inmates to hold a phone when they spoke to visiting loved ones through a solid, wire-reinforced window, or reached up to scratch their nose, or by standing they could maneuver enough to sign a legal document. Greg was let out of his cell and taken through another steel door into the guards’ lobby, where he kneeled on a chair so leg cuffs could be snapped around his ankles. The final step was a chain with two padlocks secured between the leg shackles and his belly chain. It took roughly 20 minutes to secure and move Esparza the 30 yards from his cell to our meeting space. Now I understood what the Warden Bradshaw meant when she wrote, “You should appreciate that the ODRC and ManCI will incur considerable expense in accommodating your requests to interview Ohio’s Death Row inmates.”

Two guards escorted Esparza into the room. Greg was 5’6” and 250 solid, stocky Mexican pounds with very broad shoulders, a short, thick neck, shaved head and a raft of jailhouse tattoos. He was wearing a sleeveless t-shirt and identifying Death-Row-issue dark blue pants with 2-inch-wide, bright-orange, side-seam stripes. He limped-hopped as if one leg is longer: the shackles shortened his stride and hobbled his gate. He took a seat across from me in a worn, stained-upholstery chair at a battered 2-by-8-foot folding conference table. On the floor between his feet was a 2-by-3 inch steel
plate; in the center a #20 nut was welded on its side to the plate, which was double-bolted into the tan linoleum-covered concrete floor. One of the guards led and a second one followed, he stooped and padlocked Esparza’s shackles to the nut: Virtually immobilized, he seemed at home with the limitations.

Just before the second guard left, Esparza asked if we could have two coffees and some donuts. Not sure if he was joking, a few minutes later I asked where the coffee was. He smiled and said, “The service ain’t too good here. No tip for him.”

To an inexperienced outsider like me, the isolation, intense security and restraint systems appeared inhumane and exaggerated. A short time later another DR inmate countered that when he told me, “I got nothing to lose. I kill you or somebody else, what they gonna do?”

A poster child of physical intimidation, Esparza was friendly, intense, and an almost nonstop talker. Greg had a job assignment on Death Row as a porter, which gave him considerably more freedom and out-of-cell time than other DR inmates. The job of porter is an honor position but it’s also one of power and control.

Virtually anything going cell-to-cell has to pass through the porter. Esparza was more than willing to participate in my project, partly to get publicity for his case and partly to find somebody who would listen. “There’s humanness on Death Row,” he said. “A lot more than society wants to believe.

“I’m worth something. Most people see a monster, not the human. We cry, we share; we trade things and help each other. We had a charity pizza drive for kids earlier this year.”

Esparza claimed he is innocent of his crime, but admitted he was a tough, street-wise criminal before his trial. “I was an animal when I came here,” he said. “But 20 years later, I’m not the same person that was sentenced.”

Greg looked at his abusive childhood and life before sentencing as preparation that enabled him to endure. “When I got here I had to fight to survive,” he said. “I was fortunate I had those tools and skills for prison.” The usual prison racial divisions did not apply to Esparza: “There’s only one other Hispanic here, so I wound up finding I could blend with both races.”

In spite of his bulk and intimidating appearance, Greg could be charming. He had this cute, little-boy smile that flashed when he was relaxed and joking. At our second meeting he dropped the macho image and opened up. His attention was either extremely focused or wildly scattered, and we usually covered a raft of subjects in our two-hour meetings.
I first saw that sheepish grin when I asked about prison sex and rape. He responded, “It pays to be ugly in prison, nobody wants to make me their wife.”

Most of my time with Greg was spent listening and taking notes: he had a lot that he wanted to say and no one to listen. I decided going into this project that I would just accept an inmate’s word and not try to ascertain whether he was telling the truth or judge him for what he said. Greg was the only one of the six who professed complete innocence, and his primary motive for interviewing was to garner public attention. “I don’t have nobody to fight for me,” he said. “I just want help to fight, I need a voice to get my case heard.”

Back in the pod Esparza was not always the all-charming angel he presented to me on our first two visits; he had a reputation with the guards and other prisoners of being a brutal extortionist. When I asked about it he said, “You can’t be Mother Theresa in here. I used to extort; I sent people to sleep with nightmares. I’m not proud of it. It goes on all the time, the guards know it.” After a little silence that cute smile appeared and he added, “You got to keep it quiet, but sometimes they catch you with your booty out.”

Several of the inmates told me they looked forward to my visits, that it was more than just out-of-cell time. They were completely removed from the outside world and rarely had visitors other than a consultation with their attorney. They requested that I send them advance notice so they could shower, shave and put on a clean change of clothing. My favorite inmate, Jerry Hessler, fast became a good friend. He was intelligent, well read, and extremely blunt. Hessler came to the interviews with a list of topics he wanted to talk about: first we would cover my material then move on to his.

Hessler was arrested in the middle of a murderous rampage in 1995 and readily admitted his guilt. When arrested he had killed four and wounded two on his hit list of nine. At his sentencing he said, "If I'da had more time I'da got more."  

Jerry had been a Mormon missionary with no criminal record and was in his 13th year of service in the Ohio National Guard when he committed his crimes. As part of his post-arrest processing into the Franklin County jail, Jerry went through the standard lice treatment. "They had me stand naked in a mop sink and sprayed me down with lice spray," said Hessler, "and I thought 'This is my Baptism into a new way of life.'"  

Frances Anne (Frank) Spisak was living as a woman and going through the process of gender reassignment in the early 1980s. She suddenly dropped out of treatment and murdered three people and wounded one on the campus of Cleveland State University. "I don't know why I did my crimes; I'll probably never know," said Frances.
Spisak came to each visit with a big smile and an armload of papers or materials that gave me a glimpse into the world she had made in her solitary cell. Frances Anne spent most of her life deep in Advanced Third Reich, a strategic, what-if World War II history board game with a four-inch thick, ever-changing rulebook. Play might be delayed for weeks while she read books on submarine tactics to plan her next assault. During one August interview Frances commented, “This is the highlight of my summer. I haven’t had a visitor in 18 years.”

I often wondered how they felt going back to their cells after we met. What kind of impact did my visits have?

At the end of our second interview Esparza flashed an expression I could not read. As I was about to leave, he started to talk, paused, then hit me with a surprise request, “Can I have a hug?”

My immediate reaction was fear, and then I thought, “If I want him to trust me, I’ll have to trust him.” With his hands chained to his waist, Greg stood and I gave him his hug, he thanked me, then something startling happened: He started to walk towards the door and tripped because his shackles were still padlocked to the floor.

As the result of a simple hug, for a short moment Esparza had been free: he had forgotten the manacles and the reality of being on Death Row.

I knew most of the facts about capital punishment in my home state.

In 1996, as part of an anti-terrorism bill, the appeals process for capital cases was shortened. Those convicted prior to 1996 continued on the older, longer, considerably slower appeals process. Inmates convicted after 1996 began to be executed before the pre-1996 murderers. But a new turn of events arose: more and more followed Berry’s lead, dropping appeals and opting for early execution after as little as three years of confinement on Death Row.

As of July 11, 2011, 46 Ohioans had been executed since the death penalty was reinstated in 1981; eight were early volunteers.

I knew the facts about execution, but now I would learn the culture of the condemned. For six inmates I became a way for them to briefly escape Death Row. But on the other hand, our lengthy and thought provoking conversations would become my Baptismal-style introduction to their way of life.
Mailer. A ten-year moratorium on the death penalty ended when Gary Gilmore was executed on 17 Jan. 1977. Gilmore, a long-time convict, did not want to spend years of his life in prison going through the appeal process. He fought for the right to drop his appeals and be executed by firing squad. Gilmore's last words were, "Let's do it."

Interview with Greg Esparza; 9 Sept. 2002.
Interview with Greg Esparza; 3 June 2001.
General notes on trip to ManCI; 3 June 2001.
ODRC Research Approval Form; 24 Jan. 2001.
Interview with Greg Esparza; 31 June 2001.
Interview with Donald Palmer; 9 July 2002.
Interview with Greg Esparza; 31 June 2001.
Interview with Greg Esparza; 21 Nov. 2002.
Interview with Greg Esparza; 3 June 2001.
Interview with Greg Esparza; 21 Nov. 2002.
Interview with Jerry Hessler; 10 July 2001.
Interview with Jerry Hessler; 10 July 2001.
Interview with Frances Anne Spisak; 22 Nov. 2002.
Interview with Frances Anne Spisak; 10 July 2001.
Taylor.
"ODRC: Executions."
Living on Ohio’s Death Row: Chapter Two
James Goff: Routine, Rules and Abject Boredom
DOB: 26 Jan. 1975
Arrived Death Row: 8 Aug. 1995

County: Clinton

Summary of Crime: James Goff was convicted of murdering 88-year-old Myrtle Rutledge in her home in Wilmington, Ohio on 15 Sept. 1994. At the time he was employed as a delivery person for Butler Home Furnishings and had been to Ms. Rutledge’s home earlier that day to deliver some furniture. The prosecution alleged that later that night, Goff returned to Ms. Rutledge’s house to rob her and after finding her awake, he beat and stabbed her several times and left with her money and car.\

It's hard to even envision, let alone describe a typical Death Row inmate. But in July of 2002 James Goff was appeared nowhere near any stereotype of a convicted killer. He'd already been on the row Mansfield Correctional Institution (ManCI) for seven years, but still looked out of place: tall, slender, handsome, slow-moving and soft-spoken, he had a country boy smile and manner. He looked like that shy, tall kid who lived on the farm just down the road a piece.

But Goff also had a few unsettling characteristics. There was a certain sadness in those big, deep-brown eyes. But also a calmness . . . he seemed too adjusted to being locked down. As if normal life included skinny Bugler hand-rolled cigarettes, handcuffs with belly chains, and leg shackles that were padlocked to the floor.

It didn’t take Goff long to adapt to the administrative level of security on Death Row. "I got used to it when I was a juvenile," he said. "I'm 26 and I've been locked up for 14
"The first time was in '84," he said, "this time since '94." He considers his meager possessions a step up from what most inmates own. "I got TV, radio, a fan and a lamp," he said. 2

Goff was 20 years old and living in Wilmington, Ohio at the time of the murder. During interviews he avoided discussing guilt, innocence or any details that might affect pending or future appeals. Originally from Somerset, Kentucky, Goff said his mother moved him to the Willington area at age 10, to "keep me out of trouble. But it didn't work."

Goff described the trial, sentencing, transport and indoctrination to Death Row in a verbal and emotional monotone, almost as if it had been an everyday occurrence.

Outwardly Goff appears to have accepted his death sentence. Beating back the day-to-day boredom is sometimes the worst part of his time at ManCI. "I get up, eat, watch TV or sleep, eat, shower, clean, watch TV, then sit and twiddle my thumbs the rest of the time," he said. "Then it starts all over again in the morning." 3

A short time after the murder occurred, and before he was a suspect in the killing, Goff was convicted and sentenced on drug charges. He served most of a one-year sentence before he was charged with the killing. "I had done eight months and 14 days on a drug charge," he said. "They put a detainer on me, and when I was getting out of Warren [Correctional Institution] they met me at the gate."

Goff’s crime was in Clinton County, but he was kept at the Greene county jail about 30 miles from the courthouse. Three prosecution witnesses were already being kept at the Clinton County jail, and all four had to be separated. Clinton county jail has only three cell blocks, so Goff was held nearby in Xenia.

"I wasn't cuffed in the court room," he said, "no cuffs or restraints or state clothing. My attorney suggested I not show any emotion on my face when they gave the sentence, but then the paper viewed me as cold-blooded." 4

Goff was standing for the verdict and sentence. "The jury was dismissed and I was cuffed in front of them," he said. There was one final hearing: the judge has the opportunity to overrule their sentence, but didn’t, and Goff was transported back to Greene County.

His composure was shockingly nonchalant as he talked about being convicted and sentenced to death, as if it barely impacted him.
Within a week of his sentencing he was transported to the Correctional Reception Center in Orient (CRC), Ohio for processing. "They processed me, gave me a number, took prints, photos, and cut my hair," he said. "Rules are it can't be longer than three inches."

Goff smokes thin, roll-your-own cigarettes; the visiting restraints have his hands cuffed to a belly chain with a 10-inch reach; the belly chain is also connected to shackles and ankle cuffs. With practiced, minimal effort and minor contortion of his 6'2" frame, he hikes the waist chain to chest level to smoke.

"I was only at CRC for about 5 hours, then it was a two-hour drive to ManCI," he said. "We entered through the sally port on the side; it's a double-fenced gate with big yellow steel poles to prevent someone from ramming through, they're ram-proof."

Goff never shared personal information; a long-time convict he only talked about the routine. "Usually you go to R & D (receiving and discharge) when you first arrive, but I arrived at 6 [p.m.] on August 28. I had to wait for a captain to come in, and you have to repeat some stuff with the prints and photos, but they brought me straight here [to Death Row] since it was late," he said. "There's a small vault, they put me there while the captain went through my stuff, it was all pretty much okay, I'd done so much time I didn't have anything I wasn't supposed to. They put me in DR 4 and the next morning they took me to R & D."

R & D processing included another set of photos and fingerprints, plus a nude, full body shot on video. He was issued a newcomers white jumpsuit with red stripes running down the sides.

"You wear an orange jumpsuit for round trip visits to the hospital and orange shoes, like slippers, like deck shoes," he said.

After the processing Goff was brought back to the row to get sheets and blankets, "then they put me in a hole cell and didn't give me any of my property, just my cigarettes." Hole cells are the Death Row version of solitary confinement; identical to the normal cells except the shower is down the hall.

Family members of most inmates, for whatever reasons, don't visit very often. "The first two years I had no visitors, then after five you get none." said Goff. "It's sort of out of sight out of mind.

"It's a lot of driving for them. I got two sisters, one with my mom; mom can't write that well, so I call my sister. The other sister I don't hear from."

Critics of Death Row custody fall into two categories: those who have never been there and think it's a country club; and those who have seen it and think the security is a
sadistic overkill. But corrections officers, volunteers, and those conducting business with the condemned soon learn that Ohio's Death Row is no picnic ground and the intense security is necessity for the protection of the inmates and staff. Death Row is a quandary: nobody is happy with the way it is, yet there doesn't seem to be a better solution.

The Row is usually uneventful: everyone wants to do easy time and keep a clean record in hopes that some long-shot legal maneuver will bring about eventual parole. But when inmates live in cramped isolation awaiting a death sentence, there's no deterrent for inappropriate behavior. The wrong look at the wrong time at the wrong person can get you stabbed with a No. 2 pencil. And a wooden mop handle, wedged between the bars of the indoor recreation age can be easily snapped in two; a strong man can drive the sharp splintered point through someone's chest like a gladiator's lance.\(^{5}\)

On January 17, 1977 after a 10-year moratorium Ohio's death penalty was reinstated and condemned inmates were housed at Lucasville's Southern Ohio Correctional Facility. On Easter Sunday in 1993 one of the longest and bloodiest prison riots in US history began on Death Row at Lucasville. The riot lasted 11 days and took 10 lives. The rebellion brought few changes; the biggest was moving condemned inmates to a supermax-security section at the Mansfield Correctional Institution (ManCI).\(^{6}\)

Mansfield was newer, cleaner, safer, and temperature controlled... but terribly, terribly sterile. After one year on Mansfield's Death Row inmate Jerry Hessler had his mother mail him Perry and Derrick paint swatch cards: the surroundings were so bland that he lined the swatches around his cell so he wouldn't forget colors.\(^{7}\)

To most inmates, Death Row is more than a high-level security prison; in Ohio it's 20 to 25 years of confinement in a 7' by 10' cell with no color, sound, or sunshine. It's a nightmare of total boredom and restriction while waiting one to two decades to die. In the last year three Ohio inmates have dropped their appeals, preferring lethal injection to their current way of life. "Not many know what it's like here; they think we're living good," said Goff. "I was sentenced to death, not this 24/7 bullshit."\(^{8}\)

There are five sections to Mansfield's Death Row complex: four identical two-tiered cell blocks jutting out from a
central hub which contains a few sparsely furnished and tomb-quiet offices and one short row of isolation cells for solitary confinement. The solitary section is used for discipline and to house inmates the week before they're transported to Lucasville for execution.

Disciplined inmates in isolation are not allowed personal property, but somehow they're able to get letters and messages out, usually written on brown paper towels. Extra smokes and snacks seem to be pretty easy to obtain, although no one admits transport.

The four regular Death Row pods each hold 40 cells, 20 upper and lower. The blocks are shaped like isosceles triangles, with a 10-cell-wide base and five-cell-wide sides. The first and second floors are range style, open center, with a walkway in front of the upper level cells. Although the doors are three-inch thick steel with one-inch thick Lexan windows, the noise level can be deafening.

All cell doors have a waist-high, 6" by 12" food slot with a bottom-hinged door. Food slots are constructed to be opened from the outside only and are used to pass meal trays, medicines, documents, various items from the inmate porter including contraband. Food slots are also used to cuff and belly-chain inmates, so they are restricted and guards protected before cell doors are opened.

Cells are solitary, 70 square feet with off-white walls. Usually referred to as "my house," inmates can repaint the cell the same color with permission. Sunlight comes in through a four-inch by seven-foot window at the back of the cell; for security, guards get a view of the cell from a small window in the door and a four-inch by four-foot view into the shower stall. Inmates wanting privacy put paper over their viewing slots, which guards take down each shift. 10

Food slot doors are left open for meals, used mostly as resting place for filled and finished trays. Soon after Death Row inmates were moved to ManCI, they realized that while slots were open only for mealtime. If they stuffed undetected, wetted toilet paper into the female end of the latch, with just the right amount of hardened paper the doors could be popped open from the inside.

Less-than-enthusiastic guards usually turned a blind eye and did not dig out the paper. The HVAC system provides air that is 80 percent recycled and twenty percent fresh. An open food slot ventilates the cell and can increase cell-to-cell and first-to-second floor shouted conversations to an annoying level.11 When food slots are closed – or for a slightly more private conversation – inmates can converse to an adjoining cell through the electrical outlets or by emptying the water from the toilet bowl and echoing through the drain pipe.12

Each cell has a shower, but rather than luxury, it's a convenience and time-saver for corrections officers: no chaining and transporting inmates for bathing. There's no
temperature control on the sink or shower, and water ranges from scalding to cold.

Everything, absolutely everything on Death Row is regulated and follows some sort of exhaustive procedure. According to Goff, "The Administrative R & R is an inch-thick book on all the rules and regulations. It's the inmates' bible."\(^\text{13}\)

There was a small riot on Death Row at ManCI in September of 1997. Inmate Wilford Berry, known as "The Volunteer," dropped his appeals and requested prison officials carry out his death sentence by lethal injection.\(^\text{14}\)

Berry was tired of waiting, and was to be the first execution since Ohio reinstated the death penalty in 1981. Other inmates felt that as soon as Berry went, executions would speed up domino-style and hasten their dates. The riot was aimed at Berry and he was severely beaten.\(^\text{15}\)

Goff said, "The riot was September of 1997, and I've been here since August of '95. We were all locked down; it lasted about five hours. It was more of an uprising.

"The guards slipped out on their own right away, so they [rioting inmates] were mostly just fucking with other inmates."\(^\text{16}\)

Keeping up with regulations is a fulltime job. Goff said that knowing the rules makes it easier to do his time. He can use the rules to his advantage but he also knows he can't win. He said, "They just throw 'security' on it and they can do whatever they want.

"They have general population inmates working in the Death Row area. Before the riot we would do those jobs that they're doing. They're not supposed to be any general population inmates housed or assigned past the Death Row sign, it's that second door out front, because of how I'm cuffed and shackled when I go on a doctor visit or something... I got no way to protect myself if a GP [general population] inmate would attack me."\(^\text{17}\)

The rules are in place for security and order, but for some inmates they represent a battle against authority, the only one they can possibly win. A handful of the older inmates continually file lawsuits to keep what little freedoms they have. Ronald Ray Post won a five-year battle over recreation privileges, but being a thorn in the side of the corrections officers came with a price: he pushed, they pushed back, and he loses but never quits. He said, "I can't just sit here and take it, can I?"\(^\text{18}\)
Security trumps everything. Any movement of inmates or corrections officers within the Death Row complex is highly regulated and very time consuming. Inmates are confined to their cells 23 hours per day, coming out only for recreation or visits with medical or legal professionals or a rare visit from the outside. Only one inmate per cell block has out-of-cell privileges: the porter.19

The porter is a sought-after job, a position of status. The porter is out of cell for four hours per day; he cleans, sweeps, mops, passes out and collects meal trays and other menial tasks. The porter also has great power because any item passed from inmate to inmate would go through his hands... and he can extract a price for the transfer.

Despite occasional fights, the Row is a pretty peaceful place. There's a strong camaraderie among the inmates and they regularly share newspaper and magazine subscriptions, borrow, buy and sell items like coffee, hot water, candy, chips and cigarettes. Homemade wine, drugs, pornography, and other smuggled contraband also go through the porter and once again he can and usually does demand a price for the transfer. Legal or not, virtually everything on Death Row goes through the porter: he's loved and hated and in total control of his pod.20

“*It didn’t take long to adapt to Death Row. I got used to it when I was in juvenile. I’m 27 years-old and I’ve been locked up for 14 years. I’ve been out nine or ten times.*”

*James Goff*

*Interview: 7 Dec. 2001*

All Death Row inmates are always securely restrained before they leave their cell for any reason. Guards apply a belly chain and cuffs through the food slot before any cell door is opened. If the porter is free on the block, he is cuffed and secured before guards can enter for any reason. Whether there is a fire, health emergency or suicide attempt, the security of corrections officers and other inmates comes first.

ManCI maintains a prison SWAT team for cell extractions and other security problems. Death Row is a sought-after assignment among guards: working on Death Row is quiet, inmates are generally cooperative, there's very little actual work, and because of the security measures it's much safer than working in general population.

On the other hand, Death Row inmates are already facing a least one execution. Over time disputes gambling debts, reputation or spats and quarrels can easily escalate to stabbings and murder. Guards do not intervene when inmates fight. Death Row inmates
Inmates traverse a paperwork chain to get anything accomplished on Death Row, and it all starts with a "kite." Kites are a self-contained, one-page folding form for requesting an interview, hearing, medical or legal visit. It's a prime example of the regimentation of life for the condemned: two aspirin for a toothache — and a dental visit — both start with their own kite.

Kites are not the start, but sometimes a long process to get action. Goff said that if a kite doesn't fix the problem, then it's formal complaints, then send a grievance.

Inmates are normally peaceful. But they also have nothing to lose: only a fool would get between two condemned, angry and armed men.
the inspector, then send on to chief inspector, and if that don’t work you're shit out of luck.”

At ManCI, before some inmates were transferred to a new location, two-hundred-plus condemned were spread over four cell blocks on two floors each. Having the right neighbors can make doing time easier: borrowing, bartering and relationships are so much nicer when your friends are close by.

A request to move begins with a kite, but if ensuing hearings don't produce results there's always another way. Goff had established a long-term relationship with Fred Treesh; during over-crowding they shared a cell and became close.

Corrections officers decided to separate the two, and moved Treesh to a different block. Repeated kites didn’t bring them together, and one of the guards commented, "It was more than we could stand to watch, we had to split them up.”

Whenever inmates are written up and punished for an infraction of the rules, they are relocated to another cell block to spend time in solitary confinement. After being separated from Creek, Goff launched a relocation plan: he packed his toilet with bed sheets and towels and repeatedly flushed. He said, "If I flood the cell block enough times sooner or later I'll wind up living where I want to be.”

While some are motivated by love or friendship, on Death Row money carries has the most influence. Inmates receive rough toilet paper and institutional bars of soap, but everything else comes from the prison canteen: toiletries, soaps like Dove or Palmolive, snack foods, tooth brushes and toothpaste, razors, pencils, paper, shoelaces, underwear, radios, TVs, candy, matches, tobacco, art supplies, coffees and greeting cards can be ordered weekly on a special, four-page, legal-length form.

Everything an inmate purchases, including envelopes and postage, is paid for out of his prison account. Since they do not have access to regular prison jobs, Death Row inmates received $3 a month in their prison account, about 50 cents short of purchasing a four-pack of Charmin and a tube of Colgate.

In addition to the powerful porter position, there are a few other sought-after jobs that pay $16 or $18 a month. Laundry, ironing, barber, food handler, and legal typists' positions are assigned in six-month rotations, with two shifts per day. Most jobs pay $16, but the barber earns $18. "You don’t want the barber's job," said Goff. "You have to cut these guys hair if they ask, and a lot of these guys are dirty."

Goff worked as porter August 1 thru February 1, and then was assigned the job of ironer. "I didn't ask for the job, I was volunteered for it," he said. Goff wanted the income but bristled at what he felt was the feminine association with ironing clothes for
other men. He said, "I told them I don't know how to iron, but another inmate put my name up for the job.

"They gave me the job but I ain't doing it... I told everybody if they wanted anything ironed the better do it themselves."

Because Goff won't iron, the more fastidious inmates were a bit wrinkled during his six-month assignment, but the equipment didn't go to waste. "I'll cook a grilled cheese on the iron but that's all I'm gonna do with it," he said. "You turn it on high, turn off the steam and cover it with foil, hold it upside down propped with a couple of books and make a grilled cheese sandwich."
Inmates are supposed to be allowed out of their cell for one hour of recreation (rec) five days a week, and they rec together in small groups of four or five. At Mansfield they have a choice between indoor or outdoor rec cages.\(^\text{28}\)

Free weights were removed from Ohio prisons after they were used as battering rams during the 1993 Lucasville riot. Prisoners in high security institutions have no access to any body building equipment; medium and minimum have fixed weight machines. But a pillowcase filled with books makes for a good workout.\(^\text{29}\)

The ManCI indoor rec cage has a chin up and dip bar, and inclined bench for sit-ups. Indoor rec time is usually spent on board games, talking, and cards. Though gambling is forbidden, inmates regularly bet cigarettes and use matchsticks as chips to wager commissary funds. The ban on wagering is a security measure: unpaid gambling debts have resulted in fights, assaults, and stabbings.

Some blocks will share the outside recreation cage, but getting to and from requires a lot of one-by-one transfers which shortens their time together; recreation is also limited by the amount of inmates opting to get out of their cell. Goff said, "Morning rec is from 6 to 10:30. If there's only one group [of five] we get the whole time." The group decides indoors or out; the outside cage is a small 10-foot by 12-foot walled concrete basketball court, fenced on top. The sides are a maze of fences and locked gates. There's not enough room for three-point shots.

The indoor rec cage holds two, blue wall-mounted phones. Inmates are permitted to make collect calls during indoor rec, or if persistent enough, a nice CO [corrections Officer] might transport them to the phone during cell time.

"Mushfaking" was a good way for inmates to stay busy. Goff described mushfaking as making or modifying something, like using glue or matchsticks to make something. He said, "Me and my cellie we built a ship three foot long and four foot high with the mast (out of matchsticks).\(^\text{30}\)

"You can sell the stuff to a guard or to the public. Twenty percent goes on your state account [indigent legal tab]."

Mushfaking is more than harmless art; mushfakers are adept at creating weapons out of almost anything, including toilet paper.

The inmates all had their own personal motivations for joining in the study. Goff volunteered to interview for \textit{Living on Ohio's Death Row} because he wanted to be heard; he wanted someone to learn about the conditions of his confinement.\(^\text{31}\) Most of the men don't sit around whining about their sentences; many feel they have some legitimate complaints about conditions and have won lawsuits related to their confinement.
"People think we're the worst of society," he said, "but the bad ass is mostly all show. We're good people mostly.

"Most just had a bad time on drugs of something; society views us as less than human."32

Nice people or not, Death Row inmates are subject to the strictest security, including routine searches of the row's 160 regular cells. "They're supposed to shake down three cells per shift," said Goff. "They might go a week without none, then shake down 10 cells just to get to one." Corrections officers are looking for contraband, which Goff described as "anything not approved, like we're only allowed two pair of shorts."

Larger, valuable items like radios, typewriters and televisions must be "titled" and inmates must hold onto the written authorization for specific property. For example, inmate Ronald Ray Post had a boom-box-style stereo obtained before titling was enforced. Ten years later it was removed during a routine shake down because he could not produce a title. No-mushfaking rules also affect personal property: inmates are prohibited from any alterations, such as aluminum foil or wires to improve reception.

At Lucasville inmates shared a wall-mounted television across from their cells: one channel all day with glaring poor-quality and even poorer reception. Mansfield's Death Row inmates receive television by cable, but only local channels and one guard-operated movie station. "We get network stations and an all-day weather channel, but we can't go outside," said Goff.

"TV is a real pacifier, it keeps us quiet," said Gregory Esparza. After 24 years on Death Row Esparza has seen many changes. "I don't have a TV, don't want one," he said. The movie channel is run by guards and shows five or so rented movies per week. "The night before they executed Byrd, they showed 'The Green Mile,'" said Esparza. "Real sense of humor, they like to mess with us."33

Inmates are allowed one "2-4 box", a steel trunk with holding capacity of 2.4 cubic feet. The 2-4 trunks hold clothing. Inmates have a small bookshelf and most fabricate shelves from boxes and other highly-valued scrap material. For cooperative inmates, COs often turn a blind eye to improvised shelves and some un-titled property, but part of the game is the give-and-take of privileges.

Because of his long history of prison time, Goff adapted quicker than most others to Death Row security measures. "I got used to it when I was a juvenile," he said. "When I first arrived here there was a step up in the level of criminal activity."34
"Whether they said they did it or not, they're here and there's more potential in here. At first you got to be on your Ps and Qs.

"I sat back and watched, stayed to myself, and picked the ones that could make my time easier."

Adapting to life on Death Row takes time, but four of the six inmates directly participating in this research said it was the simplest pleasure they missed the most: grass. "I did mostly outside construction and painted factories," said Goff. "The only thing I see out my cell window is another cell and a small patch of grass. It's depressing to go out for a doctor visit because I can't step on the grass.

"I really miss walking on the grass."

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1 "Listing of Ohio Death Row Inmates."
2 Interview with James Goff; 7 Dec. 2001.
3 Interview with James Goff; 7 Dec. 2001.
5 Interview with Donald Palmer; 11 July 2003.
6 "ODRC: Death Row."
7 Interview with Carlene Hessler; 14 Jan. 2003.
8 Interview with James Goff; 9 July 2002.
9 Drawing by Donald Palmer; date unknown.
10 Interview with Ronald Ray Post; 11 July 2003.
11 Interview with James Goff; 9 July 2002.
12 Interview with Donald Palmer; 11 July 2003.
13 Interview with James Goff; 9 July 2002.
14 "ODRC: Capital Punishment."
15 Photograph supplied by Greg Esparza; date unknown.
16 Interview with James Goff; 6 Sept. 2002.
17 Interview with James Goff; 9 July 2002.
18 Interview with Ronald Ray Post; 9 July 2002.
19 Interview with James Goff; 6 Sept. 2002.
20 Interview with Donald Palmer; 11 July 2003.
21 Interview with James Goff; 9 July 2002.
22 Kite provided by Greg Esparza in a letter to author; 5 Jan. 2002.
23 Interview with James Goff; 9 July 2002.
24 Comment from DR Corrections Officer to author; 6 Sept. 2002.
25 Interview with James Goff; 6 Sept. 2002.
26 Interview with James Goff; 6 Sept. 2002.
28 Interview with James Goff; 7 Dec. 2001.
29 Interview with Greg Esparza; 9 July 2002.
30 Interview with James Goff; 9 July 2002.
31 Interview with James Goff; 7 Dec. 2001.
32 Interview with James Goff; 9 July 2002.
33 Interview with Greg Esparza; 13 July 2001.
34 Interview with James Goff; 7 Dec. 2001.
35 Interview with James Goff; 9 July 2002.
Living on Ohio's Death Row: Chapter Three
Frances Anne [Frank] Spisak: Gender and Sex
DOB: 6 June 1951
Arrived Death Row: 13 Sept. 1983

County: Cuyahoga

Note: Frances Anne Spisak consented to participate in this research study on the condition she be addressed in feminine gender, not her birth name of Frank. Spisak had been preparing for gender reassignment surgery shortly before the time of the murders. She regrets and readily admits to her crimes.

Summary of Crime: Between February and August of 1982, Frances Anne Spisak killed three Cleveland men and wounded another. On February 1st the body of Spisak's first victim, a 57-year-old man, was discovered in a restroom on the campus of Cleveland State University (CSU). He had been shot seven times. On June 4th Spisak's second victim, a 55-year-old man, was also shot seven times while waiting for an RTA train at the West 117th Rapid Station in Cleveland; a second victim of that attack survived and later identified Spisak. On August 27th Spisak shot and killed a 50-year-old male employee of CSU.¹

Frances Anne Spisak struggled with sexual identity problems all her life. Frances said that as a child she used to go to the local mall, steal women's bras and panties and dress up in the men's restroom with the hope that someone would come in and think of her as a "big girl." When other adolescents began sneaking peaks at Playboy, Frances looked with interest because she wanted to grow up and be like the women in the photos. "Even as a child I knew I was a transsexual," said Spisak.²
Spisak kept her sexual feelings secret; her ultra-strict mother would never have tolerated such behavior. During Spisak’s trial, her mother was more upset by the publicity about Frances’ gender choice and sexual preferences than the murders. Spisak’s mother told her if she ever had sex change surgery she would have Frances’ father “shoot you on site.”

“My mother found my transsexual feelings repugnant and always tried to force her beliefs on me,” said Frances. “She espoused hatred and violence towards me and my wish to be female.”

The gender confusion continued throughout her life. For many years she tried to live a male role: Frances got married and fathered a child while simultaneously turning tricks as a transvestite prostitute. Spisak began preparing for gender change through a Cleveland clinic and took Estradiol (a female hormone) in preparation for surgical sexual reassignment.

At one point Spisak lived, worked and passed as a woman, and even had an Ohio driver’s license that identified her as female. She was referred by Kelly Girls and hired for one factory job as “Frances Anne,” but was written up and disciplined several times for using the men’s restroom. Eventually her true physical sex was revealed and Spisak was dismissed for lying on her application.

Gender changes are more common today, but rare when Spisak was going through preparations for gender change in the late 1970s and early 1980s with Dr. Randal Travis at Cleveland’s Gender Dysphoria Clinic. During this period she received psychiatric counseling about her gender issues, but for some reason she later fluctuated between male and female roles. At one point she resumed a male role and remarried her former wife but they only stayed together four months.

Four years prior to being arrest for the murders, Frances Anne was locked up in Cleveland’s city jail on a charge of soliciting for prostitution. Spisak was arrested as female and on her way to the women’s cellblock when a routine strip search revealed her physical sex.
“I hadn’t had surgery yet and still retained a small, male anatomical part,” she said. "It was discovered by a police woman during a routine strip search, and I was promptly sent to the male side.”

Spisak said the guards were intrigued, and then locked her up in an isolation cell. The guards’ curiosity turned to ridicule and harassment, and they woke Frances up at 3 a.m. and made her strip.

“I can still remember them laughing and shouting at me as each piece of clothing came off,” said Spisak, “Especially when I removed my bra.

“They wanted to take it away from me, saying male prisoners can’t have bras, but let me keep it when they saw I had real breasts.”

The indignation escalated, and Frances said they roared with laughter when they saw she still had a penis.

Spisak said, "I was humiliated and really mad, but I never raised any hell afterwards. I was released in the morning and just glad to be out of there. My biggest fear had been the guards would beat or anally rape me. I never wanted to see the inside of a jail again, but four years later I was arrested for murder.”

Spisak’s killings were not spontaneous; she feels they were the result of many, many years filled with confusion over her gender identity, untreated mental illness and a long unfortunate chain of events.7

A lengthy biographical feature article in the Cleveland Plain Dealer described in detail Frances’ life and all her actions that led to the murders. Spisak had a lifelong interest in German history related to World War II. Her crimes were committed during a male phase while she was active in neo-Nazi groups, dressed in storm trooper garb, wore a Hitler-style haircut and moustache, and often sported a swastika armband. At some point Spisak stopped taking the female hormones, got more deeply involved with several neo-Nazi, white power organizations and decided the root cause of her gender confusion was the Jews.8

According to the Plain Dealer she eventually went out on armed hunting expeditions, but never shot a Jew. Instead, she killed one white and two African-Americans males and wounded a third African-American male. On one occasion, she waited in a CSU restroom, openly masturbated until a male propositioned her, and then gunned him down.
According to Spisak, her legal aid attorney slept through parts of the trial and was often intoxicated during the proceedings. Ohio’s insanity defense hinges on whether the accused knew she was doing wrong at the time of the crime. Spisak knew what she did was wrong, but feels that her state of mental confusion contributed to her desire to carry out the killings.

“My attorney was drunk most of the time,” said Spisak. “His opening statement was ‘This person is going to totally offend you’ and it went downhill from there.”

"Thank you for coming to visit; it was the high point of my summer. I haven't had a visit in eighteen years."

Frances Anne Spisak
Letter: 13 July 2001

“I tried to get a reversal on ineffective counsel, but it failed,” she said. According to Spisak, the key element in her defense was the legal test of mental stability. Her attorney never raised the issue even though four different mental health professionals examined Frances and testified to her instability.

“He never raised the issue,” she said. “The key issue is a mental disease or defect, and the judge instructed the jury that there was no evidence of a mental defect.”

Included in her appeal claiming ineffective counsel was testimony from her trial attorney.

He admitted that he had been ill prepared, had neglected to raise insanity claims and felt he had made several major, appealable errors while representing Frances at her initial trial.

“Transsexualism is a mental defect according to the DSM-IV [Diagnostic and Statistical Manual of Mental Disorders, Fourth Edition] but it’s never been used as an insanity defense,” said Spisak. “It’s a state of mind. We’re already messed up; the operation is what fixes us.”

Interviews with Frances were open-topic and rambling, and she never hesitated when steered onto a sensitive topic. She visually bristled when talking about receiving the death penalty. “My attorney said to expect it,” she said. I tried to mentally prepare myself, but how can you get ready for that? It was the worst day of my life.”

There are two segments in most criminal trials: the first decides guilt or innocence, and if the defendant is judged guilty, the second part metes out the punishment. Spisak
said she felt like the first phase was disastrous, but she said, “The penalty phase was even worse. It only took the jury five hours to decide on a death sentence.”

“The judge had been a total prick throughout the trial, so when it came time for my last statement I decided to really piss him off. I said ‘Even though this court may pronounce me guilty a thousand times, the higher court of our great Aryan Warrior God pronounces me innocent. Heil Hitler.’

“He had this vein that stood out on his forehead and you could see the blood pounding through it and his face turned bright red.”

Frances already had achieved some notoriety because of the bizarre details surrounding her crimes. However, after her verdict and sentence other factors combined to propel her further into infamy. Back then, the Internet was just launching and word of Frances’ final statement went worldwide to neo-Nazi groups, making her a cult hero; fan mail flooded in and she attained celebrity status among followers of various Aryan Nation movements.

Spisak spent 23 years on Death Row anticipating execution, and then Cleveland Attorney Alan Rossman successfully argued Spisak’s sentence in front of the U.S. Sixth Circuit Court of Appeals in Cincinnati. On 20 Oct. 2006 Rossman won a landmark victory and Spisak’s death sentence was overturned. The prosecution has appealed to the U.S. Supreme Court, and her fate hung in the air.

The Sixth Circuit Court’s decision produced some adverse publicity for Frances. The Cleveland Plain Dealer ran an interview with both Frances and the Cuyahoga County Prosecutor, whose father had been one of Spisak’s victims. Spisak had granted an interview for the article in hopes of getting some positive attention, but was portrayed as a cold-blooded killer and buffoon.

Spisak’s federal attorneys had prevailed, she would have been rescheduled for a new sentencing. Spisak had been on Death Row since 23 Sept. 1983 – almost 24 years – and had already served more time than a life sentence. At the time of her sentencing there was no life-without-parole statute, so that was not an option if she had been resentenced. Frances’ attorney told her that most likely there would be a new
sentencing hearing, or she would be paroled. Her lead attorney was not certain if she could actually be resentenced to execution.\textsuperscript{17}

At the time of her original sentencing, Death Row was located at the Southern Ohio Correctional Facility in Lucasville, Ohio. “After the sentencing they kept me in the county jail for a month,” she said. “My attorney wanted me close at hand for appeals. I wasn’t in general population; I was in the ‘sissy pod.’ It was a special unit in the county jail with all the sissies, transsexuals and other gays. They put me in there for my protection, away from predators.

“They put the young ones and the weirdoes in with us girls so they’d be left alone.”\textsuperscript{18}

Frances was not surprised with the verdict or sentence because she felt her attorney did not present a good case. “The judge said there was no evidence of an insanity issue,” she said, “and the next day was the sentencing.

“I was found guilty on Friday and sentenced on Saturday morning,” she said. “During the trial I wore old clothing. I was 32 and I had to wear clothing I wore as an 18-year-old. It looked like I dressed from the Salvation Army bin. I had a weary brown blazer, purple shirt, blue tie, brown corduroy pants and brown Hush Puppies. It was all real small stuff I had from high school.

“I wore the same outfit every day. They made me cut my hair short and I looked like Hitler. I looked so goofy and kept thinking ‘Get me a pants suit.’”

In capital cases, defendants are not usually physically restrained during the trial, “But,” she said, “I was cuffed and shackled during the sentencing, then I did my Heil Hitler salute when they led me away and I got huge headlines.”\textsuperscript{19}

Spisak showed no remorse during the trial or sentencing. But contrary to her prior actions, she said, “If they’d give me the opportunity, I’d endure the indignity and humiliation of that trial again. If only they’d give me the opportunity, I’d say ‘I apologize for the things I did.’”\textsuperscript{20}

“The price I have paid for my mental illness is a price no one should have to pay, but I can’t change what has already happened.”

Like most new inmates, after sentencing Spisak was transported to the Correctional Reception Center at Orient. “I had one or two medical tests, photos, fingerprints, a shower, and was given a jumpsuit to wear,” said Spisak. “Then two guards in a station wagon took me on the two-hour drive to Lucasville.”\textsuperscript{21}

“We went through the main gate and one guard said ‘Do you still feel happy you’re here? You still do that shit?’”
Spisak’s entry into Death Row was way more humiliating than the trial or anything in her confused life. She said arriving at Lucasville “was kind of scary, I had a certain reputation from the trial. I was high profile. I made Newsweek, Time, People and Nightline with Ted Koppel.

“They acted like I was Frankenstein. They took me into J Block which was right next to the gymnasium; there were 50 guards and 20 were white shirts -- sergeants and up, the brass – and the deputy warden. They all came to see me.

“They put me in the middle and took off the cuffs and shackles.”

Spisak was wearing an orange jump suit and slip-on tennis shoes that were spray-painted day-glow orange. “They had me strip in front of everybody, did a cavity search. I had to take a shower and they all just stood there and watched and gave me dirty looks.

“They looked at my titties and all. If looks could kill I’d be dead.”

Spisak was issued Lucasville prison clothes, was allowed to dress and had her possessions checked. He had spent almost a year in the Cuyahoga county jail and had accumulated a large collection of books, papers and other allowed items that the facility allowed.

“But they took about half my stuff at OP [Orient’s Correctional Reception Center], then at Lucasville they took another half.

“I was in my cell for only a minute or two, trying to unpack,” said Spisak, “then I had to go for an ID picture. When I returned a guard went into my cell and confiscated all 15 of my books and kept them.”

Spisak’s books were sent to a screening committee for evaluation. “I got to keep two of the 15, even though some of the titles were already in the prison library.

“I had a history book on captured German documents and Hitler’s war aims; they took it away, said it was a ‘security threat.’”

As of July 2007, there was only one remaining inmate that has been on Death Row longer than Spisak, but 26 men who arrived after her had been executed.

“When your trial’s over you get a date, then you get a stay for your appeal,” she said. “Then after your last state appeal you get another one [execution date], then you go to
the U.S. Courts, then the Sixth District [Circuit Court] in Cincinnati, then the U.S. Supreme Court.”

The process is long and drawn out, but Spisak and most inmates are frank about the expected outcome of their appeals. “You get a new date and a stay at each level. It could be five or six years till they [execute] get me,” Spisak said in November of 2002.

Spisak adapted to the routine and high level of security early on, and felt she had it easier than the most of her neighbors. Male-on-male sex is accepted by most and practiced by many long-term prisoners, and Death Row is no different. Frances was popular with the other inmates because of her gender choice, sexual preferences, lifestyle, grooming and body changes that remained after hormonal treatment ended.

“It’s much more different here at ManCI than at the county jail,” she said. “But not much different to me; I’m a sissy. All the guys like me and nobody really gives me any trouble.”

“I’m the only girl here; most of them are the hard-guy types, pretty unapproachable on the whole.”

Aside from the sexual aspects, Spisak felt there were other advantages to doing time on Death Row. “Living here is better,” she said. “In the county [jail] there were no jobs, no pay, and very limited commissary,” she said. “Only junk food, candies and cookies. Here the commissary is like a 7-11 store with electronics, TVs and radios.”

At the old Death Row at Lucasville, Spisak said there was only one old black-and-white TV for the whole pod. “There were 22 guys in our pod and we all fought over the television,” she said. The cells at Lucasville were on two tiers on the same side, with barred doors; the TV, some windows and wall-mounted fans were on the opposite side.

“It was noisy,” said Spisak. “Always noisy and constant yelling and shouting at the top of their lungs.” If the food slots were closed, the solid doors at ManCI lessened the din.

Spisak feels safe in Mansfield. “In almost 20 years almost no one has threatened me. Death Row is different,” she said. “It’s more insulated and isolated.”

Life at Mansfield is more serene, but she does have occasional run-ins with what she called “bad neighbors.” She said she is considered an old-timer on Death Row, a group that carries some seniority and respect from most inmates.
“There’s one dumb bastard – Ray Tibbets – he’s only been here a few years and has no seniority. At least once a month I have to listen to him call me ‘cocksucker’ and ‘fag’ and threaten to kill me.”

The harassment from Frances’ homophobic neighbors was fairly regular, and she joked and said, “It’s enough to want me to turn ‘straight’ if I ever get out of here.”

Although she never felt her life was seriously threatened, there was a lot of noise, occasional confrontations and a few fights. “Whenever I get into a little tussle I’m pretty quiet,” said Spisak with a smile. “You can hear a pin drop when I’m getting my ass kicked.

“I got into a fight and had my arm broke and shoulder dislocated and the guards didn’t even know it happened.

“I mean, you could look at me and see that I had no shoulder.

“The guards didn’t think I was injured and I kept saying ‘Look! It’s gone!’

“I told them I slipped. They took me to the infirmary and every other word out of my mouth was a cuss word.”

The infirmary nurse that treated Frances chastised her for cursing.

The nurse said, “What’s wrong with you? You don’t have to use language like that.”

Spisak replied, “I’ve been around convicts for 10 years, that’s how the fuck they talk.”

Spisak was put in the traditional orange jumpsuit used for transportation and taken by two guards to Ohio State University Medical Center. “It hurt all the way to Columbus,” she said. “The guards stopped to eat at McDonalds, didn’t give me any food and wouldn’t even give me an aspirin.”

The prison ward was full and Spisak said, “They put me in the regular part of the hospital with the paying customers.” Two pistol-armed correction’s guards were assigned to Spisak, one outside and one inside the room.

“I’d been up all night,” said Spisak. “It happened at 10:30 in the morning and I didn’t make it to Columbus until the next morning. When the hallway guard got tired, he came into the room to sleep, but instead they turned the TV up real loud.

“I said ‘Would you guys shut the fuck up so I can sleep?’ They looked at me like they wanted to shoot me.”
Three days later a bed opened up and Frances was moved to the prison portion of the hospital, then later taken to Frontier Health Center in Orient. “When I got back to Mansfield they put me in the hole for being in a fight. There was no light, the toilet backed up, it was filthy,” she said. “I was getting out when they finally fixed the place. It was all I could do to get a golf pencil to write a request.”

Spisak’s parents never visited and rarely sent cards or letters. Spisak was a big fan of NPR and late-night talk radio programs and once wrote, “If Art Bell is a real barn-burner I might be up all night.” In 2005 her radio broke, which left her no contact with the outside world. An outside friend sent her enough money to purchase a small walkman-sized radio. She wanted to share the good news and made a collect call to me.  

“No one is on my visiting list,” said Frances. Her parents had not visited since the late 1980s when she was at Lucasville. She said they rarely wrote and would not give her their phone number. Spisak gave me her parents address in case I wanted to write for background information, but warned me to refer to her as “Frankie.”

“Mom doesn’t recognize me as Frances Anne,” she said, “and she might go ape-shit if you refer to me as a female.”

As a complete surprise, at Christmas of 2006, Spisak’s parents sent her enough money to purchase a small television, and she watched her first programs since arriving at Mansfield in 1995.

Frances wrote many letters to her daughter Anna, which usually went unanswered. I was able to contact Anna by email and received several long and informative replies.

“I’ve written Anna three or four letters since Christmas and received absolutely no response,” said Frances, “so if she sent you two emails you are doing much, much better than me.”
Despite not having seen Anna in 10 years, Frances was extremely proud of her daughter. Spisak finally received several letters from Anna and said, "Anna's turned into a very liberal feminist," said Frances. "I was afraid she might be a Republican."

Spisak liked to be notified well in advance to prepare for her interviews.

After the first interview, Spisak sent a thank-you letter and wrote, "Once again, let me say 'thank you' for the visit. It was the highlight of my summer because I don’t get any other visits. My family NEVER comes to see me; my lawyer comes about once a year. I had fun talking with you."

In June 2002 Spisak’s lamenting changed to humor regarding her sibling’s reasons for not visiting. “My sister’s afraid that there might be a riot on the day she visits, and she’d be in danger of being raped by 2,000 sex-crazed male inmates,” wrote Frances.

“I guess she’s not phased by the fact that I’m incarcerated with those same 2,000 sex-crazed inmates, and that MY ass is in far greater danger of being raped than hers.”

She penned a big smiling face next to the salutation, “Every good wish,” and signed her name “Frances Anne, White Rose in a Concrete Jungle.”

Frances’ daughter Anna came to visit in 1992 when she turned 18. “She came to see me in Lucasville,” said Frances, “all the way from Cleveland by herself.”

Most living on Death Row experience a decline in family visits. “It’s too painful for them to come,” wrote one inmate, “and it’s also a bit of out-of-sight, out-of-mind. They stop coming after a few years.”

“You wind up discouraging them from coming because it just makes you think of what’s outside, and that makes it harder to be here.”

The family also finds visiting tough “because a visit reminds them of how it will end,” said Frances.

But she’s not always smiling and upbeat. In a rare and very down mood Spisak said, “The years are starting to get to me. All the years of not having visits and not receiving mail from home: it’s maddening.”

Spisak has a knack for finding a positive aspect in almost everything. She talked about the day she was taken into custody for the murders and said, “Today is my anniversary:
I was arrested 20 years ago. A fan of mine is Denmark sent me a postcard tellin’ me he thinks I’m cool. Imagine that, me ‘cool.’" 

Frances Anne marked all memorable dates with a letter or call. She wrote of another two-decade anniversary and said, “Today is the 20th anniversary of the day the jury gave me a death sentence. How about that?” 

A pleasant distraction from Death Row for all the inmates was mail from pen pals. The inmates rarely have money for postage, but writers who include prison-acceptable postage-embossed envelopes usually get a lengthy reply.

Most of the pen pals are female, and many use the opportunity as a covert way to share secrets and problems with a nonjudgmental, anonymous confessor. What’s more, many abused or desperate women find the Death Row inmates are a safe relationship: a man locked up awaiting execution cannot hit, cheat, or rape.

Although Frances was shunned by her family, she gained a sense of self-respect from the fan mail she received. She had gained notoriety on the internet for her crimes and sexual preferences.

Spisak received a fair amount of confessional letters from young women involved in sadomasochistic relationships. The young girls sought Frances' advice and friendship.

In 2005 Frances Anne was ordered to clean out her cell because she had far exceeded the allowed amount of personal property. Spisak gave me two large boxes of letters, books and various important artifacts that represented a goodly portion of her life behind bars.

Many of the letters were from female pen pals, and the contents were surprising.

Mary wrote over a several-year period, during most of which she was underage. Her letters ranged from discussing Frances’ sexuality to school to her job. It seemed that whenever Mary had difficulty with some personal issue, and she vented in notes to Frances.

At 15 Mary wrote that she had met a 32-year-old guy she really liked. He told Mary he was gay but still had strong feelings for her. Mary wanted to know what Frances thought about this. Earlier Mary had told Spisak that it was okay if Frances “liked being with younger women. I don’t think you are too old for me.”

Lori wrote about her on-and-off marriage to a very dominant man, her child, career, sex life, and sent many photos of her ever-increasing amount of tattoos. At one point she told Frances that her husband would not allow her to receive mail or phone calls, and she hoped that Spisak could send mail to her in care of her mother.
The strangest and most open mail came from Peggy, a woman involved in a sadomasochist marriage. Peggy derived pleasure from being emotionally, physically, and sexually dominated and abused.\textsuperscript{39}

Peggy wrote that she only could orgasm if someone masturbated her, and asked Frances detailed questions about her masturbatory fantasies and practices. Peggy’s letters detailed the progression of her sadomasochistic (SM) sex life, including the founding of an SM participatory sex club and web site. She sent many nude and bound photos of herself and always sought Frances’ approval for her lifestyle choices.

Peggy said she needed to ask her husband’s permission for many things, including: sleeping with or without clothes on, having a cigarette, spending any money, and to experience any sexual pleasure or gratification.

Peggy told Frances Anne, “My husband is 100 percent dominant and I’m lucky to have him. I’d also like to have you as a girlfriend [for sex]; he wouldn’t have a problem with that.”

Death Row inmates were not very stylish: their wardrobe mostly consists of prison uniform pants, sweatpants or shorts and t-shirts. But somehow Frances Anne had a way of making the mundane appear feminine.

If condemned inmates leave their immediate pod, regulations require them to wear prison-issued, Death Row identifying dark blue uniform pants that have two-inch bright orange stripes running down the outer seams; guards are sometimes lax about the inmates’ choices of shirts.

One day Spisak was escorted into the interview room wearing the stand-issue DR trousers topped off with a bright turquoise t-shirt with feminine-style shortened sleeves. She was in a very good mood, smiled big and said, “I wanted to be dressed up for your visit. I got grease on this and messed up my nice shirt.

“I was really diligent in cleaning it and soaked it for six hours; it’s still damp.” Spisak tried her best to maintain her feminine appearance and regularly shaved her legs and tweezed — rather than shaved — her facial hair. “I want my face to look as smooth as I can,” she said.\textsuperscript{40}

Next interview she was wearing a blue t-shirt made into a crop-top styled blouse. “I made this a long time ago,” she said, “but I don’t have the shape I used to. My belly hangs out a little.”\textsuperscript{41}
Prior to the meeting, Spisak had asked me to bring a photograph of my Filipino fiancé. The picture set off a discussion of the physical and cultural differences between Filipino and American Caucasian women. Frances commented that people of one race were often not satisfied with their natural characteristics, e.g. dark-skinned wanted to appear lighter and whites wanted tans. Frances commented that my fiancé, like many Filipinas, had a fairly dark complexion.

I told Spisak that my fiancé, like most women of the Philippines, was short, dark-skinned, dark-haired, and small-breasted. Spisak asked, “Well, what do they want to be?”

I joked and said, “They all want to be tall, thin and blond with big breasts.”

Spisak grinned ear to ear, lifted her chin, raised her voice and said, “Well who doesn’t?”

Spisak is frank and open about her gender choice and living with a death sentence. “I still call myself a woman even though I don’t look like one,” she said. “That in itself really frustrates me. They’ve taken away my identity, I feel like a freak.”

“I want them to put me in a hospital where I can get the treatment I need.” Spisak wants help with her gender issue, but the state only recognized her as having bipolar disorder. She receives 300 mg. of Lithium three times per day and 50 mg. of Vistaril at bedtime.

Frances wondered why the State of Ohio waited 20-plus years to treat her for bipolar disorder. “Maybe it’s because about two years ago I was caught in the outside recreation cage with a man’s penis in my mouth,” she said.

Spisak said the guards and inmates all laughed about the incident, and after a hearing she was put in the “hole” located in DR 5. (The "hole" is the location of punishment for rules infractions. General administrative punishment consists of time in solitary confinement and restriction of privileges.)

“Perhaps they think I’m crazy,” she said. “At my hearing with the Rules Infractions Board I plead insanity and requested hospitalization in lieu of punishment.” When the Board refused, Frances requested treatment in the form of a sex change operation.

“It’s possible they just think I’m loco,” she said.

Spisak’s eyes filled with tears when she spoke about the lack of recognition and help with her gender disorder. “If I can’t be a woman I’d rather die than be forced to live like this,” she said. “[If hospitalized as she wished] I might be an old lady by the time I get out of there, but at least I’d be a lady.”
Frances Anne was often despondent about having to live in a kind of gender limbo. She gained hope when another inmate sued, made progress, and created controversy in a quest for treatment of gender dysphoria while incarcerated.

In June of 2007 the case of Michael “Michelle” Kosilek became bogged down after 18 months in Federal court. Kosilek was serving a life-without-parole sentence in Massachusetts for strangling his wife, whom he claimed poured boiling tea on his genitals.

After hundreds of hours of conflicting and confusing testimony from 10 medical specialists, the judge hired an expert to help him make sense of it all. At the same time five more inmates had sued to receive sex change surgery.

At the time of Kosilek’s trial, 10 other Massachusetts inmates were receiving hormones for treatment of gender identity disorders. Corrections officials said the treatments diminished depression.

Spisak had no luck with gender-treatment lawsuits and occupied her time for the last 20-plus years playing board games. She played detailed, little-known, historic games like Advanced Third Reich, Panzer Blitz, Global War 2000 and A World at War. The games were did not sell well in the outside world. Gamers were gravitating towards faster video play; Frances' beloved versions were often discontinued because they were complicated and required detailed knowledge of military history and tactics.

Spisak played by mail, often spending weeks studying for her next move, guided by both her knowledge of German World War II history and the roll of dice. But the Internet grew and more and more players and the games themselves went online. Spisak had earned high national ratings, but since most players no longer competed by postal mail, she often became her own opponent.

“Around here there can be a lot to do if you give yourself lots of things to do,” she said. “I try to stay busy to stay sane.”

Maintaining sanity is high on Spisak’s list of priorities, and fantasy is her proven method. When she was studying submarine warfare tactics for her games, she pretended she was an honors student at the U.S. Naval Academy.

I often felt Frances' fantasy games were a far-fetched, irrational coping mechanism, but her explanation made sense. She said, “It sure beats the alternate nightmarish scenario that the State of Ohio is going to put me to death like a rabid dog by lethal injection.

“And that’s after I’m forced to spend 20 or more years in an all-male prison getting fucked and having the crap beat out of me from time to time because some inmates don’t like me because they think I’m queer.”
Not all her gaming was solitary. Spisak was introduced to the board game Risk by inmate Jerry Hessler and they played together during recreation time. Eventually Hessler was moved to a different pod and they seldom had recreation together. Frances then created Risk boards for both so they could compete from their cells. 49

“I had a guard bring it [a Risk map board] down and put it through my food slot. I got my tracing paper and colored pencils,” said Spisak. “I made copies for both of us.” Spisak was celled on the first floor at the end of the pod; Hessler was celled directly overhead at the top of the stairs on the second floor. They seldom could arrange recreation together because they were located on different levels.

Frances said, “I can play with Jerry by ‘mail. I’m at the bottom of the stairs; he’s at the top.

“I can just yell out of the food slot or under the door and an inmate or guard will take a note up to him.

“People are pretty helpful like that. Anyone going up can throw a note [with the next move] under his door, and he can reply whenever he passes [my cell] going down the stairs. Some guards will pass notes, some won’t . . . them bitches.”

The Death Row inmates might feud, fight, extort and hustle each other, but overall they stick together. “If you’re out of something you can usually ask for something and the guys will help each other out,” said Spisak. “You just holler out ‘You got any cookies? I need coffee, anyone got hot water?’ You can just fill up a baggie with hot water and have it passed to the next cell by the porter.”

Holidays like Christmas and Thanksgiving are usually noted only by a slight change in the food that is served. December 25th of 2003 was an exceptionally bad day for Spisak: it marked the 20th Christmas she had been locked up on Death Row and separated from family and friends. 50

Frances Anne said, “It was one of the worst days of my entire life and the worst Christmas I’ve ever had. The only thing I got plenty of in 2003 was shitty, rotten, bad luck and Christmas Day was no exception.”

On Christmas Morning, Frances’ hot pot broke. Death Row inmates have no temperature control on their water, and temperature is usually lukewarm for showering. Hot pots are purchased from the commissary and used to heat water for soup, tea or coffee when affordable.
Frances said she set her hot pot in its usual spot “on the edge of the sink, the only place I can use and have the cord reach an outlet.” She was heating water for morning coffee when the hot pot fell and broke; the bottom separated from the top and the heating mechanism was exposed.

“I spent Christmas Day trying to repair it,” she said. Death Row inmates are not allowed to possess tools, and Frances spent most of a tool-less Christmas doing repairs. Spisak said, “Do you know how hard it is to remove nuts from screws without a pliers or screwdriver?”

After five hours Frances had the hot pot reassembled. “It worked too, for a little while,” she said. “By 10 p.m. it developed a leak because it wasn’t tight, and when I tried to heat water for coffee it shorted out and caused the electricity to go out for me and my upstairs and downstairs neighbors.”

Spisak’s repaired hot pot blew the pod’s circuit breakers during the telecast of an NBA game that most of her neighbors were watching. “They were pissed off,” she said. “They couldn’t watch the game or use lamps or make coffee, and they were all mad at me.”

Spisak did not talk about her death sentence often, but when she did open up she spoke with tears and frankness. “If [Death Row] inmates don’t have that escape world, some way to deal with thinking of the end, mentally and physically they start deteriorating. You just wind up wallowing in depression. They get old and grey and next thing they’ve got one foot in the grave.”

She smiled proudly and said, “There are guys here that are ten years younger than me and have done half the time, but they look a lot older than I do.”

In November of 2002, Frances said the courts had been just sitting on her last appeal for six or seven years. She estimated she had four or five years left “until they finally get me.”

Although Spisak’s biggest hope was to be released to a hospital for psychiatric treatment and sex-change surgery, she doubted that would happen. In 2002 she had hopes that her pending appeal would overturn her death sentence, but the alternative was even more frightening.

“There’s something about getting out (paroled) that seems more scary than staying here and getting executed,” she said. “What would I do? How would I work?. I’d wind up homeless. Who’d hire me with three murders?”
Frances Anne’s eyes filled with tears when she said, “I’ve never seen a computer. I wouldn’t even know how to turn one on, let alone use it for work.”

Her sense of humor returned and she referred to Cleveland State University, the location of two of her three killings and one attempted murder. She smiled big and said, “I guess I’d have to go back to school. [Do you] think Cleveland State would take me?”

There are websites and articles that portray Frances Anne Spisak as a cold-hearted, deranged and impulsive serial killer. But during interviews she was warm, friendly, emotional and very open about her future and her fears. “I want to get out but the thought terrifies me,” she said. “I might be better off in here.”

"I've been here twenty-three years; I wouldn't know how to survive out there. I'm more afraid of getting out than getting executed."

Frances Anne Spisak
Interview: 24 Sept. 2005

After Spisak won her appeal, she dared to begin thinking about the possibility of life on the outside. She said, “All this news about my death sentence being overturned and a possible re-sentencing has got me thinking about what life could be like if and when I get out.”

“It’s a heady feeling and I’ve felt almost drunk or intoxicated by the thoughts that I might be free again.”

She felt her adjustment to Death Row was easier because of her sexual identity and preferences. “Getting acclimated to all this wasn’t all that hard,” she said. “Not for me. I haven’t had it all that rough.

“I’m easy to get along and all the guys like me.” Frances quickly changed from sad to happy, flashed a huge grin and said, “Of course they like me. I’m a sissy in prison. They greased the way for me so it wouldn’t be that painful. When the guys heard I was transsexual they all wanted to be my friend.”

Spisak again talked about the importance of her war games as an emotional tool to deal with her death sentence. She said, “Mentally it was rough adapting to the reality of Death Row, but my way of dealing with it was to get involved in something.”

When Spisak studied submarine warfare tactics or the history of Panzer tanks, she could escape the reality of Death Row. Spisak said, “I’m so into reading and playing my war games that it becomes my real world.”
“I’d go crazy if I thought about the walls and bars and prison atmosphere.”

To an outsider, escapism is not an acceptable method for dealing with personal mental health issues, but on Death Row it becomes a necessity. “It’s [Death Row] like another world and I only pay attention to it when I have to. My games are the only way I can deal with the pressure and preserve my sanity,” said Frances.

“Other’s find other ways to deal with it.”

Inmates on the same floor of the same pod are shuffled to group recreation once per day. When Spisak was celled on the same floor with long-time friends she would often attend rec, play Risk with Jerry Hessler and visit with others. But even amid the monotony of Death Row, life changes: old friends are moved, die, win release or get executed.

Spisak lost friend her Risk-playing friend early in 2003 when Jerry Hessler died in his cell of a heart attack.

“Jerry and I were good friends, I’ll miss him a lot,” said Spisak. “He used to tell me he saw himself ending up in hell, but I hope that isn’t so.

I’d like to think that after being on Death Row for seven years, he went to a better place.”

After Hessler’s death and the movement of a few friends, Spisak stopped coming out for rec. She said, “I’m old fashioned. I don’t get out much anymore. Just once a week for school; I tutor another inmate.”

On June 14, 2001 Frances’ friend J.D. Scott became Ohio’s first inmate to be involuntarily executed since 1963. Scott was convicted of murdering a delicatessen owner during the commission of a robbery.

Opponents of the death penalty and supporters of Scott and his attorneys claimed he had an IQ score below 70, which classified him as mentally retarded and ineligible for the death penalty.

Scott’s execution troubled Frances, and when talking about it she became morose. “It affected me,” she said. “They took JD down [to the death chamber at Lucasville], then he got a stay and they brought him back.

“Then they took him down a second time, he got a stay and they brought him back again.”
It had been less than 30 days since JD’s execution, and Spisak’s pain were still very fresh and her emotions raw. “The third time down,” she started to cry again and said, “we were all waiting but he never came back.

“I listened all night on the radio, but they never said he was dead, a guard told me. “Poor thing, he had the mind of a child. He didn’t even realize what was going on, he didn’t know he was going to die; he thought it was just some kind of a trip.

“He didn’t clear out his things because he thought he’d be back.”

There is more hope on Death Row than any place I have ever been. The inmates' faithfully clung to long-shot legal maneuvers, just so they would have something to fight for, a reason to get up in the morning. But after each execution, they were hit hard with the reality of their likely fate. Just after JD’s execution Frances said, “It’s hard to keep hope alive. Sometimes it feels like there is none; you feel like you’re going to die.

“I have to keep hope alive, that it’s not right that I’m here.”

Spisak wrote about her fears; they weren’t so much about dying, but that the process would be botched. On January 14, 2004 the state executed Lewis Williams, Jr. While his mother watched, Williams fought with guards, had to be restrained when they strapped him to the gurney, and screamed throughout the procedure.

A Sixth Circuit judge declared the execution illegal because two judges had denied Williams a last minute stay, even though the Sixth Circuit had already agreed to hear his 11th-hour appeal. Williams fought because he was under the impression there would be no execution until the court ruled on his appeal issues.

Frances Anne said, “I’m in the same Sixth Circuit Court right now, let’s hope this doesn’t happen again.”

Ohio executed by lethal injection with a trio of medications, the same procedure as used for the euthanasia of animals. The first drug causes loss of consciousness, a second paralyzes the muscles and stops respiration, and a third stops the heart. The lethal cocktail is administered intravenously.

On May 2, 2006 the worst nightmares of most Death Row inmates were realized when the state seriously botched the execution of Joseph Lewis Clark. While he waited to die, Clark kept telling the executioners, “It don’t work.”

After an extended wait medical personnel realized that Clark’s vein had collapsed. The warden ordered the curtains to the viewing room closed, and executioner spent almost 90 minutes attempting to find a suitable vein. Witnesses, lawyers and the families of
both the victim and Clark could hear him making guttural moans and asking if he could take the drugs orally, “So we can get this over with.”

Spisak’s personal development and sexual orientation from childhood through her time on Death Row can best be described as a conundrum. She was very upbeat and open about her sexuality and experiences and never hesitated to discuss her choices.

Spisak said that most inmates claim they have little craving for sex; desire is what they miss most while in prison. “I can’t say that, because incarceration has had very little, if any, effect on my sex life.”

Frances never lacked for a man in prison, and pretty much had her pick of partners. She was feminine, attractive and liked men.

“Prison was not a very painful experience for me when I was first sent here,” she said, “because I was already used to gettin’ fucked.”

Even before adolescence, Frances had strong urges to live in the feminine gender. “Much of my activity was highly secret,” she said. “I wanted to be woman so bad I could taste it, but my parents did not approve of my femininity and did their damnedest to force a masculine identity on me.”

Frances’ first sexual contact with another person happened at age 13. A slightly older neighbor boy bribed Frances and a few friends: he offered them free Playboy magazines if they would masturbate in front of him.

“I was a little afraid,” said Spisak, “but at the same time I wanted to see his penis real bad ’cuz that turned on the female in me.” Once the boy started, he told the group he needed more visual stimulation.

“I need to see some ass,” he said.

Frances offered to show him the Playboy pictures.

“No I need real ass,” he replied.

Then the boy said to Frances, “I want to see your ass because it’s big and pretty like a woman’s.”

Spisak said, “All that flattery went to my head and that boy had no problem pulling my short-shorts down around my ankles.”
The scenario proceeded step-by-step till two of the boys held tightly Frances Anne while the older boy forced anal sex on her.

“It did hurt for a minute,” she said. “The kid had an orgasm in me and I went home with his sperm leaking out of me and his cum stains in my underpanties.

“But strange as it might sound today, I wasn’t too disturbed by what happened; I actually liked it quite well.

“I felt like a real woman. I wanted to shout and tell everyone I’d gotten fucked, but I couldn’t tell anyone. My parents would have punished me severely if they found out I was lettin’ bigger boys go up in me and have sex with me, so I kept it quiet.”

Spisak said she was on the receiving end of male-on-male sex for many years before she ever had a physical relationship with a woman. “Under those circumstances, how could I grow up to be anything other than what I am?”

To please her parents when she was older, Frances Anne tried several relationships with women, but none lasted more than a few months. “They [her parents] didn’t approve of my transsexual desires and homosexual lifestyle,” said Spisak, “but those relationships always ended up in failure.”

Spisak’s introduction to male-on-male sex happened 40-plus years prior to her interviews for this publication. During that time her feminine personality and identity constantly intensified. “Prison didn’t stop the development and growth of my sexual identity and feminine persona,” she said. “If anything it intensified my sexuality and made me more of a woman than before I came here.”

Spisak has had many boyfriends during her 23-plus years on Death Row. “They all agree that having ‘good pussy’ like I have is a good thing in prison,” she said.

“Their only complaint is they don’t have enough opportunities to get at my pussy.”

Prison officials and corrections officers often ignore sexual relationships, but intercede and take disciplinary action when things become blatantly open. Frances Anne has had her share of write-ups and hearings, some she complained about, others she laughed off.

One of Frances Anne’s boyfriends used an undershirt made of silk-like synthetic material and sewed her a pair of crotchless panties. “All the guys made me underwear and stuff to wear,” she said. “One guy made me some purple panties with a naughty hole in the back: They were real Fredericks-of-Hollywood stuff.”
Nurses dispense all medications in prison. At Lucasville the Death Row guards would escort the nurse from cell to cell to dole out prescriptions. Spisak said that one evening the guard was lazy, didn't want to walk down the long range, and used the automated system to open doors one-by-one so inmates could come down to the far end to receive their meds.

“I was half-awake and walked out of my cell wearing nothing but lipstick, makeup, the purple panties and a torn black t-shirt,” said Spisak. “After receiving my medications I strolled back to my cell.

“When I turned around the nurse saw the panties had no back. All they saw was my ass. The guard confiscated my panties and wrote me up for ‘exposing myself.’”

At Lucasville inmates could arrange to be out of their cells one at a time and conduct dalliances through the barred doors. The cellblock structure on Death Row at Mansfield is more restrictive and inmate movement is seriously curtailed.

“Things are not as wild here at ManCI like they were at Lucasville,” reminisced Spisak. “I’ve only got one ticket here at Mansfield for wearing lipstick and makeup, and that was several years ago.”

Frances Anne smiled big and fondly said, “I’ve either slowed down in my old age or just got tired of puttin’ on all that shit.”

Inmates are issued citations – called tickets – and offenses are recorded in detailed conduct reports, which are kept on file. Frances’ death sentence was overturned and the prosecutor appealed the decision. She might have a chance at parole if the appeals courts rule in her favor. In the event of a parole hearing, all her past conduct reports would be made available to the parole board.

“The guards at Lucasville used to write tickets on me because I’d put on lipstick and blow kisses at my man Redd,” said Frances Anne. 65

After her death sentence was overturned Spisak sarcastically said, “Maybe someday I’ll be denied parole because I was a ‘bad girl’ in prison, and if released I might do something really dangerous like actually kiss a guy.”66

On one hand, a lot of inmates found Frances Anne to be a desirable partner for sex. But at the same time, there were other inmates that felt threatened by Frances' open sexuality. Spisak considered them homophobic, and at times they made her miserable.

People changing gender struggle with acceptance in the outside world, but for Frances living on Death Row was doubly difficult. “It’s really hard for a transsexual to cope in an all-male environment,” she said, “because the men here – just like my mother – refuse to accept me for who I am.

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“To survive I just have to live mentally and cerebrally in a world I’ve created with my games.”

Death Row is a place where men wrestle with physical and psychological survival: inmates facing execution can and will do anything to survive. Frances Anne did what she needed to get by, including resorting to her old street ways of prostitution.

After almost 20 years on the Row, Spisak was finally given a job as a tutor to other inmates, helping prepare them for the GED exam. Frances earned $18 per month. “That put me at the top of the Death Row food chain,” she said.

Prior to being hired as tutor, she could not get a work assignment and received $3 per month to purchase toiletries, coffee, aspirin and other commissary items. Frances said, “I guess they figured I could supplement my income sucking dicks, given my reputation as a whore on the streets.”

Spisak’s libido kicked into high gear when her death sentence was overturned in 2006. Her sexual escapades escalated and she commented that she was acting “like a lust crazed slut.”

She was excited at the thought of being transferred from Death Row to a regular prison for a life-without-parole sentence or possible release. “It’s true I have visions of being in general prison population with nothing but my panties down around my ankles and lines of guys fuckin’ me raw.

“Those thoughts really raise my libido and cause me to play with my pussy more than usual.” (Frances Anne always referred to herself in feminine terms, even when speaking of her male anatomical parts.)

During this period, almost everything Spisak did became sexual in nature. Her normal sense of humor related to sex escalated. Frances received her annual over-50 physical, which included a rectal exam and she told the doctor, “That was the high point of my day.”

Death Row inmates rarely allow themselves the pleasure of imagining life on the outside: mentally returning to the alternate reality is just too painful. Spisak had a pretty hard and fast rule about only focusing on the inside or using fantasy to escape. But after almost 24 years awaiting execution, when she received news that her death sentence was overturned she broke with conventional wisdom. She said, “Maybe you’re seeing a side of me lately you never saw before or didn’t pay much attention to.
“I’ll admit, all this news about my death sentence being overturned and a possible re-
sentence had made me think a lot about what my life could be like, and would be like if
and when I get out.

“It’s a heady feeling and I’ve felt almost like I was drunk or intoxicated by the thoughts
that I might be free again.”

Even more surprising, although Frances Anne did not realize it, she signaled that she
had actually placed herself mentally outside when she said, “I still have a long way to
go; I’m not leaving here tomorrow.”

Shortly after receiving the news of her legal victory, Spisak stopped signing letters as
“White Rose in a Concrete Jungle” and changed to “Stargirl.”

She wrote that the change was because, "I AM a girl, and I always liked to put a small
[red, pencil-marked] star by my name on the return address of an envelope, sort of like
shorthand, hence the name ‘Stargirl.’"

She said the new moniker made her feel, “Sassy, kind of flirty. Like when I’d get a new
outfit with matching purse, shoes and accessories. Yes I can still feel ‘sassy’ after all
these years.”

With her libido in high gear, Spisak began venturing out of her cell to indoor recreation
period more often, and became almost ruthless when playing Risk with other inmates.
“Two of the three guys I was playing with in rec quit and refused to play with me
anymore,” she said.

One inmate said, “When you’re attacked [in the Risk game] you take it personally and
get mad.”

A second inmate told Frances, “When you’re attacked [in Risk] you get your panties all
bunched up in a wad and then throw a hissy fit.”

A third inmate player did not submit, and insulted Spisak’s strategy and skill and
challenged her to a tournament. The first two told her if she lost, the victor “Would get
to fuck her up the ass.”

“Well,” said Frances Anne with a huge smile, “when he described it in tantalizing detail
that all sounded like great fun. I considered swallowing my pride and losing on
purpose.”

Recreation time ended before the final, deciding Risk game. “I was on my way to
winning when we were sent back to our cells,” said Frances.
“I didn’t win or [throw the game and] get fucked. No one dicked me up the ass that day as they were all predicting.”

With a huge smile and flirtatious head toss Spisak said, “Should I be happy or sad?”

Spisak has spent almost 24 years awaiting execution. She had grown older, finally been diagnosed and treated for bipolar disorder, and has spent a lot of time in personal reflection thinking about her crimes and many years of gender confusion.

“Over the years I’ve gone through a lot,” she said. “A lot has changed me in many ways, some good, maybe some not so good, but it’s true I’m not the same person I used to be.”

At her sentencing in 1983, Spisak made a defiant neo-Nazi statement that she ended with “Heil Hitler.”

Frances Anne regrets that statement and said, “Frank G. Spisak said that, and in a sense he’s already dead. Frances Anne would never make a speech like that.

“Today I’m more the person I should have been back then.”

The judge in her first trial said Spisak did not meet the legal definition for an insanity defense; his position was the basis for overturning her death sentence.

“My life took a tragic detour that brought terror, grief and unimaginable suffering to the victims’ families as well as my own,” she said.

“It also cost me my youth and freedom,” said Frances. “The past 20 years was a lesson to me I’ll never forget, but it’s a lesson no one should have to learn.

“The price I have paid for my mental illness is a price no one should have to pay, but we can’t change what has already happened.”

At times Spisak’s dreams of freedom and an eventual sex change seemed far-fetched. Some days it was nearly impossible for her to keep hope alive, but other times her dreams seemed close and attainable.

Frances' appeals were based on her mental illness. At Frances' trial four mental health professionals testified that Frances met the legal definition for an insanity plea. Despite their testimony the judge would not allow Spisak to enter a pleas based on mental illness.
Alan Rossman, Frances' attorney for her federal-level appeals, scored victories in the U.S. Sixth Circuit Court of Appeals in Cincinnati. As expected, Prosecutor Brendan Sheehan from Cleveland appealed each of Rossman's verdicts to the U.S. Supreme Court. Each of Rossman's appeals to the U.S. Supreme Court ended as all the other Ohio capital cases: the Robert's Court did not rule, and instead sent the appeals back to the Sixth Circuit for further consideration.

When the early cases of Esparza, Palmer, Post and Spisak reach the Sixth Circuit, the predominant balance of judges leaned to the liberal side and routinely ruled in favor of the inmates in capital cases. Eventually, new appointees tipped the balance in the other direction: the mostly conservative bench began to rule against the inmates.

The Cincinnati Enquirer conducted a study of Sixth Circuit decisions that sought to explain the pattern of the Court's rulings. "If the judges assigned to a case were appointed by Democratic presidents, odds are good they will overturn a death sentence because of new evidence or mistakes made during the trial. If the judges were appointed by Republicans, the chances are slim. That's especially true at the 6th Circuit, the powerful and deeply divided court that decides death penalty appeals from Ohio, Kentucky and Tennessee." 72

The change in rulings from the Sixth Circuit is nothing new, and is common in all jurisdictions. It's not the best system; it's not a bad system; it's the system of justice in the United States. Sometimes you win, sometimes you lose.

Frances Anne won her early appeals, but in the end she ran out of time. Spisak was disappointed by the final rulings, but she faced her execution like everything else: she never gave up on her dreams.

Ten years before she was executed, Spisak wrote, "I know I may just be a goofy-lookin' old man and my dream of wantin' to be somethin' else may never come true,” she said, “but my dream is all I have left.73

“I might someday become an old lady, but old or not, I’ll still be a lady – and to me that’s all that matters.”

Frances was executed on 17 Feb. 2011. A few days before her execution, Ms. Spisak realized her biggest dream: she spent Valentine's Day reunited with her daughter.

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1 "Listing of Ohio Death Row Inmates."
2 Interview with Frances Anne Spisak; 13 July 2001.
3 Letter to author from Frances Anne Spisak; 15 July 2002.
4 Interview with Frances Anne Spisak; 13 July 2001.
5 Scanned copy of photo on loan to author from Frances Anne Spisak; date unknown.
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Interview with Frances Anne Spisak; 14 Feb. 2001.
Living on Ohio's Death Row: Chapter Four
Jerry Hessler: Violence and Mental Illness
DOB: 6 June 1957
Arrived Death Row: 8 Nov. 1996

County: Montgomery

Summary of Crimes: On 19 Nov. 1995 Jerry Hessler went on a rampage and killed three adults and a four-month-old girl, and wounded two additional adults. One of the victims had fired Hessler from a job a year earlier, because a female employee had filed sexual harassment charges against Jerry. Another of the victims was the father of a former girlfriend of Hessler. Jerry spent six years on Ohio's Death Row and died in his cell at 1:40 a.m. on 14 Jan. 2003. Jerry's death resulted from an injury to his heart that he incurred during the commission off his crimes.  

Hessler readily admitted to the killings, but neither felt nor expressed any remorse. He said at his arrest and often repeated, "My Daddy told me I could do anything I wanted, as long as I was willing to accept the consequences."  

The National Mental Health Association (NMHA) estimates that as many as 10 percent of America's Death Row inmates have a serious mental illness. The mental health statistics of the interview pool for this project were markedly different.  

Six inmates signed release forms and participated in interviews, and I regularly communicated with two additional Death Row prisoners. Of those two unsigned inmates, one frequently wrote to me, but as described in the "Methodology" section, he would not consent to formal interviews or sign release forms.
Da’rryl Durr, another inmate, asked to participate, but volunteered after the enrollment cut-off date that was imposed by the Human Subjects Research Boards at UC and the ODRC. Durr frequently wrote and called despite not being allowed to formally participate in the study.

The mental health statistics for the subjects participating in this study are much different than the findings of the NMHA. Of the eight inmates I was in contact with, three were diagnosed and received treatment and medications for a serious mental illness, and three exhibited characteristics common to sociopaths. Several of the inmates felt that 25 to 50 percent of the Death Row population had some type of mental and/or emotional disorder.

Inmate Greg Esparza attributed many of the inmates’ mental health problems to the Death Row environment. He said, “If they ain’t crazy when they get here, they probably will be after a while. You got to be strong or this place will get to you.”

This study will not dispute the findings of the NMHA nor attempt to explicate any discrepancies. As explained in the section "Methodology" attempts to solicit subjects for this study were done as much as possible on a random basis. All participants were volunteers and had various personal reasons for taking part in the interviews. The subjects may or may not be representative of the inmate population of Ohio’s Death Row.

According to the fourth volume of the American Psychiatric Association’s Diagnostic and Statistical Manual of Mental Disorders (DSM-IV) the words sociopath and psychopath are interchangeable terms for someone with Antisocial Personality Disorder. Some of the main characteristics of the disorder are deceit, manipulation, impulsivity, aggressiveness, lack of remorse, and reckless disregard for safety of others.

Dr. Jackie Scheff, a psychologist who works for the Florida Department of Corrections, felt that most of the inmates she sees would meet the criteria for the DSM-IV diagnosis of Antisocial Personality Disorder. However, she said most inmates would not be identified as sociopaths because “psychiatrists tend to throw out the diagnosis because they [the patients] are in prison.”

Although most inmates could potentially be diagnosed as psychopaths, one small group meets the criteria in the most extreme dimensions: mass murderers and serial and spree killers. In their book “Profiling Violent Crime,” authors Ronald M. Holmes and Stephen T. Holmes often refer to serial and spree killers interchangeably as sociopaths or psychopaths.

According to the Holmes’ book, the most common characteristics of the sociopaths/psychopaths that are mass murderers, serial and spree killers are: total lack
of guilt and remorse, severe narcissism, intense propensity for violent and aggressive methods of murder and an extremely high level of manipulative charm.  

Mass murderers plan and prepare to kill a number of victims in one violent event while serial killers commit multiple murders, usually one at a time over an extended period. Serial killers stalk, kill, dispose, evaluate and continually strive to improve their techniques so as to escape detection and increase their thrill. They also collect remembrances and relive the events over and over while planning for their next hunting trip. Spree killers plan and prepare but they usually are not concerned with personal survival.

The two most charismatic men I have ever met were on Ohio’s Death Row: Jerry Hessler was a mass murderer and convicted of killing four people in a late afternoon, four-hour spree; William Wickline was convicted of two dismemberment killings and the sole suspect in six more similar murders. According to classifications set forward by leading criminal profiler Ronald Holmes, Jerry Hessler would be classified as a mass murderer. If William Wickline were guilty of the crimes he was suspected of – but not charged with – he would be classified as a serial killer.

Frances Anne Spisak killed three people, wounded one and altogether missed another over several months: many web sites called her a serial murderer but the appropriated classification should have been spree killer.  

Interviewing Death Row inmates was depressing, but on each trip I looked forward to meeting with Jerry Hessler. Jerry was blunt, honest, magnetic and funny. I found myself thinking that if he were on the outside, he could have quickly become a good friend. Jerry's charisma came from his interest: he was excited to learn about almost everything.

"They know that if they fuck with me they’ll find out what true insanity is."

Jerry Hessler
Interview: 10 July, 2002

Hessler’s personal impact on me was puzzling. Jerry was a living, breathing riddle: although highly amiable and charismatically charged, I felt no emotional depth. Criminal profiler Dr. Ron Holmes said that psychopathic killers did not feel emotions. Holmes said that as young adults most serial and spree killers learned to mimic feelings as a way of being socially accepted.

Although Hessler displayed the physical signs of emotion – quick grins, frowns, sad looks and teeth-flashing, ear-to-ear wide smiles and associated body language – I never
felt much warmth, frustration, joy or pain emanating from him. To me he was emotionally blank.

Like the majority of Ohio’s Death Row inmates with psychiatric or emotional disorders, Hessler’s mental illness probably had a lot to do with the commission of his crimes. However, he did not qualify for an insanity defense. Jerry definitely knew the difference between right and wrong – which was the major deciding factor for an insanity defense – but he just did not fear the consequences. Hessler’s attorney’s tried desperately to use his various disorders as mitigating factors to save him from the death penalty.  

Under Ohio law a mitigating factor refers to a certain circumstance related to the crime that might result in reduced charges or a more lenient sentence. Aggravating factors are certain circumstances related to a murder that would qualify the killing as a capital crime with death penalty specifications. In Ohio there are ten aggravating circumstances: murder for hire; murder with prior calculation and design; the killing of a police officer; killing a child under 13; murder to escape detection; murder committed during the commission of a rape or other violent crime, and purposely causing the death of another while incarcerated.

Hessler was straightforward when talking about his crimes and about his long battles with mental illness. He had been involuntarily hospitalized three times for mental health issues. According to an article published 3 Oct., 1996 in the Columbus Dispatch, a psychologist that testified at Hessler’s trial said that at the time of the murders Jerry knew right from wrong. However, severe mental illness prevented him from controlling himself during the events of the night when he shot six people.

Jeffrey Smalldon, the psychologist, testified that Hessler exhibited bipolar disorder, obsessive personality disorder and signs of multiple personality disorder. Early diagnoses were similar, but included explosive personality disorder. Although the court decided otherwise, several doctors testified that Jerry’s illness should have been a mitigating factor when deciding between a life or death sentence.

Hessler’s crimes were the most violent in Columbus’ history and public interest was high: the local news media reported daily on the progress of his trial. According to the 3 Oct. 1996 article in the Columbus Dispatch, Hessler’s defense attorneys tried to show throughout the trial that his 16-year history of mental illness prevented him from controlling his actions on the night of his crimes. His actions during the course of the trial indicated he was not concerned with the outcome.

Hessler’s IQ was in the mid-120 range, signifying very superior intelligence. Defense attorney George Luther said that during the trial Jerry was alert and aware of all proceedings, but his behaviors were counterproductive to a good defense.
“Jerry tried to undermine everything that we did for him,” said Luther. Luther referred to letters Hessler wrote during the trial to family and friends that were reported in the media, and about a collect call Jerry made from jail to the Columbus Dispatch in which he granted an interview about the killings.\textsuperscript{12}

Hessler made public comments like, “Am I sorry I didn’t get them all? Oh well, better luck next time.”

During the trial Hessler also wrote a considerable amount of incriminating graffiti on the wall of the courtroom holding cell. A major court battle ensued about the inclusion of those hand-written comments as evidence in the trial.

On 3 Oct. 1996 the Columbus Dispatch reported that Hessler had written on the wall of his holding cell: “A bad day in jail is better than a day dead. Every day above ground is a good day.”\textsuperscript{13}

On 4 Oct. 1996 the Dispatch reported that trial judge David W. Fais would not let prosecutors introduce Hessler’s cell writings into the trial. The judge later reversed himself and allowed the jury to hear one exert of Jerry’s writings:

\begin{quote}
  Mercilessly plan,
  Relentlessly prepare,
  Violently execute,
  Ruthlessly finish.
\end{quote}\textsuperscript{14}

All of Hessler’s nine intended victims were in some way connected to two failed love relationships. On 26 Nov. 1995 the Columbus Dispatch reported what led up to the killings.\textsuperscript{15} On one of his jobs, Jerry became attracted to and for a short time dated Tracey Stevens. Tracey quickly ended the relationship, but Hessler continued to pursue her. Hessler’s pursuit made Tracey uncomfortable, and eventually she felt it necessary to file sexual harassment charges against Jerry with their employer.

As he wrote on his holding cell wall, Hessler did mercilessly plan his killings: several weeks before he purchased a bulletproof vest and a 9 mm semiautomatic pistol. In addition, over the next few weeks he amassed a large cache of ammunition. Hessler was very familiar with firearms; he had become an accomplished and highly rated marksman during the 16 years he spent in the U.S. Army and Ohio National Guard.

According to Hessler, and confirmed by a 10 July 2001 article in the Columbus Dispatch, when arrested Jerry had on the front seat of his car a loaded Smith & Wesson 9 mm. semiautomatic pistol, a passport, pages from an address book, a handwritten list of the nine persons he intended to kill, binoculars, knife, sledgehammer, ear plugs, and 11 books of matches. In his pockets Hessler had $625 in cash and two fully loaded 9 mm. magazines. In the trunk were four red-plastic gasoline containers, three of which held gasoline. Under the seats police found additional boxes of 9 mm ammunition.
Altogether police found 200 rounds of lead bullets, 55 full-metal jacket bullets, and 40 hollow-point bullets.\(^{16}\)

Late in the afternoon shortly before he started killing, Hessler had stopped by his Mother’s house, hugged her and said, “Mom everything is going to be alright.” His first shooting was at 7:09 p.m., and the last attempt at 10:30 p.m.

Jerry’s life was not always filled with hospitals, doctors, obsession over failed loves and anger; he could function well in a structured environment like the Mormon Church or the military. Jerry had exemplary military records from both the Army and Ohio National Guard, had risen to the rank of sergeant and five times was named Soldier of the Month or Non-Commissioned Officer of the Month. On July 10, 2001 the Columbus Dispatch reported that during the trial one of his former commanders had testified that Hessler had been an outstanding soldier during his 15-year military career.

Hessler had a decidedly different outlook from the other condemned inmates about capital punishment and life on Death Row. He talked about those when I met him for the initial interview.\(^{17}\) Jerry shot six people on 19 Nov. 1995: two lived. He had arrived on Death Row in Mansfield 8 Nov. 1996 after spending the prior year locked in the Montgomery County Jail.

“I believe in the death penalty, I’ve participated in it,” he said. “My views are probably contrary to the others here. I’m not innocent. I killed four people.”

For Hessler, life on Death Row was similar in some ways to his time in the military and Mormon Church: it was a return to a rigidly structured environment. He felt he liked the DR routine and that his life was going well. “I spend 23 hours a day in my cell,” he said. “We get lazy, we get fat. Everyone complains about the food but we all ask for seconds. There’s no heavy lifting and I do as little work as possible.”

“I’m well suited for the environment.”

Jerry Hessler
Interview 10 July, 2002

"Death Row is a huge gift of time. I stay up all night, sleep during the day, have rec from seven to 10 [p.m.] and play cards and games.” Jerry had some ways of occupying his time that others might feel were a bit unusual, like reading the dictionary. “I’m focusing on colors right now,” he said. “I found one called ’crash.’” (Miriam-Webster’s Dictionary said the word most probably derived from Russian krashenia colored linen.)

Hessler also felt that living on Death Row had opened up his world and diversified his knowledge and relationships. He said, “I made my first black friend here. I never knew
a Muslim before coming to Mansfield, and I was introduced to reading Toni Morrison and Richard Wright. It [Death Row] has expanded my world.”

Death Row is colorless; the entire environment is bathed in institutional, visually non-stimulating and nondescript tints. Driving home after my third daylong visit to the complex, I realized that the decorating was so unremarkable that I could not recall the specific colors of any of the walls. Like me, Hessler was also troubled by this lack of pigmentation and said he did not want to forget the beauty of colors he remembered from the outside world.

Jerry asked his mother to mail him paint swatch cards – the kind you get from hardware or home decorating center – so that he could remember what various colors looked like. Jerry would line up the swatch cards a progressive order. He placed them on the floor, leaning against the base of the wall directly across from his bed.

Jerry's mother, Mrs. Carlene Hessler said “When he first went into the prison he had me go to the paint store and send him some of those little paint swatches. I’d send them two or three at a time and he’d line them up all around his cell so he’d keep them [the colors] in his mind. He’s set them all around his cell.

"But the paint swatches had to end. He asked me to send more but they [corrections officers] stopped it."18

In the military Jerry responded well to his commanding superiors, but life with the corrections officers was not so smooth. “I’ve had three visits to the hole since I’ve been here. I got into it with the guards,” he said. He felt that the guards occasionally overexerted their authority and he needed to put them back in their place. “You just have to brush them back from the plate every once in a while,” said Hessler.19

Hessler felt that the behavior of the guards was oppressive, and had been exceptionally so in current weeks prior to two recent executions. He believed the actions of the corrections officers were intended to nullify remorse and minimize the sorrow that inmate’s felt over the loss of close friends. With some resentment he remarked, “They [the guards] keep everybody pretty much in line by keeping ‘em beat down. The vast majority [of inmates] are unaffected by JD or Byrd.” [Inmates Jay D. Scott and John W. Byrd had been executed shortly before the interview.]

Most of the Death Row inmates that were interviewed expressed remorse for their crimes. But Hessler seemed to lack emotion; sociopathic killers truly do not experience guilt, remorse, fear or apprehension. I suspected that what originally appeared as some sort of macho bravado was Jerry’s all-to-real inability to experience feelings.
Hessler described life on Death Row as “a very bucolic life.” He liked the regularity of the day-to-day routine and the lack of surprises. “The ride is good,” he said. “It’s that sudden stop at the end, that jolt that I’m not looking forward to.”

Early in the first interview I asked Hessler how his life had been since arriving on Death Row. He relaxed his body language, smiled huge, peered up at the ceiling and leaned way back in his chair. “As long as I can do this” he said looking very satisfied as he inhaled a long, deep breath through his nose, “I’m better off than Brian, Tracey, Amanda and Paul.” They were the four people he had killed.

He appeared to be perfectly relaxed, ecstatically happy and deadly serious when he looked me straight in the eye and said, “They’re all dead and I’m still here.” I could feel the pleasure he was experiencing from just being able to breathe: It was as if he was inhaling a sweet narcotic. His whole body smiled, he was victoriously gloating as he continued, “Right now it’s four to nothing. After they execute me it will be four to one, and that’s a pretty high score.”

As interviewer, when I later learned more about Jerry, I wondered if those gleeful emotions that Hessler exhibited about surviving his victims were real, or a sociopathic front.

“I’m not depressed here,” said Hessler. “Since my arrival I got everything I needed.”

Hessler’s devout Mormon roots showed through when he spoke about his arrival at the Montgomery County Jail immediately after his arrest. Part of the standard intake procedure involved a treatment for body lice. “When they put me in that mop sink and sprayed me down with that lice spray,” he said, “I thought ‘This is my Baptism into a new way of life.’ Ever since then all has been given to me.”

Unlike many of the inmates, Hessler felt he had an excellent defense attorney. “I had a remarkable experience with my lawyer. I got George Luther as my Legal Aid attorney; he was the area’s leading criminal defender,” said Hessler. “I don’t know how I lucked out and got him. He really fought to save my life.”

Jerry spent almost a year in the county jail and the long, drawn-out trial began to get to him. The trial was long and the proceedings and delays made him impatient. Jerry’s sociopathic lack of emotion was very apparent when he spoke of his attorney’s efforts to save his life and his own personal desire to hasten the conclusion of the trial. “If I didn’t want to get killed, I shouldn’t have killed those people,” he said. “I felt like saying, ‘Hey Judge, fuck it.’”

If not the death penalty, Hessler would have received a minimum sentence of 144 years. “I thought I might as well get the death penalty,” he said. Originally Jerry felt he would prefer to be executed early; he had wanted to end things quickly instead of
spending years on Death Row. He said, “I thought, might as well save the taxpayers’ money and me the misery and get it done early.”

In 2001 Hessler had exhausted his state-level appeals and his case moved up to the Federal level. Jerry was sentenced late in 1996, which put him in the fast-track system of appeals. Inmates arriving before him spent 20 or more years in various levels of appeal, but it was estimated that the newer murderers might have only 10 or 12 years till execution.

Jerry wrote a letter in July of 2002 – right after he got notice that his state appeals had ended – which described how his attitude about life on Death Row had changed since his arrival. He marked the note with smiley faces, wrote in a jovial tone and said, “It all seemed to happen so fast, it’s like I just got here. I’ve really begun to like it. In five or six years I might not want to change, I might not want to leave.”

Jerry was well aware of his mental health problems and his penchant for violence. He made no excuses for his behavior nor did he expect any sympathy or admiration. Along with many other Death Row inmates Hessler took the GED exam, hoping to qualify for a tutoring job. He got the highest score possible on all sections and somewhat proudly remarked, “I may be savage but I’m not stupid.”

During his trial the defense played up his violent childhood and abusive father. Jerry admitted that life with his Dad had been rough, but did not use it as any kind of an excuse. “I had a combat-zone childhood,” he said, “with an alcoholic abusive father, but so did a lot of other people.”

Earl Hessler, Jerry’s father, had three sons: Jerry, Rusty and Jody. Earl was an abusive, domineering and violent alcoholic. Jerry was the eldest and received the most violent beatings.

In an interview 27 Mar. 2003 Jerry’s mother Carlene Hessler spoke of his childhood. “Jerry was a loner,” she said. When Jerry and his two younger brothers Rusty and Jody were fairly young, Earl uprooted and moved the family. “When we moved here from Westerville it made a big difference in Jerry,” said Mrs. Hessler. “All three boys didn’t get to finish [Boy] Scouts, then things got worse for Jerry and he shut himself in.”

Jerry eventually established friendships with two boys that lived across the street. “They were a lot younger than Jerry, but he really liked them,” said Carlene. “But Earl got mad, said it wasn’t right, and that Jerry couldn’t play with them at all. Earl stopped him from playing with his only two friends.

“Earl was an alcoholic. He was very mean; he and Jerry fought a lot.”
Jerry Hessler did not use his upbringing as an excuse for his murderous behavior. “I was a law abiding citizen,” he said. Jerry felt his childhood was pretty normal. “None of the real horror stories with me.” Hessler had been deeply committed to his military career and a devout Mormon, but at one point in his late 30s he changed. “I went over to the dark side,” he said. “I became a total heathen.”

Jerry’s downfall started shortly after he was thrown out of the Mormon Church. “Two teenage girls accused me of sexual misconduct,” he said. “I was excommunicated from the Church. I didn’t do anything to them. Hell, I have no secrets. I told you all about how I murdered four people; I’d surely tell you if I raped a couple teens.”

No one can be certain if Jerry’s mental illness played a part in his downhill slide, or if the stress from his actions exacerbated the mental illness. Regardless, his mental state deteriorated along with his lifestyle. “My girl dumped me, then when I got fired and I broke down,” said Hessler.

“I spent 24 hours a day crying. It was three years off 24-hours-a-day crying,” he said. “I was in and out of the hospital. I spent all my time working or reading.”
“I was a virgin till I was 31, till the church accused me of rape and excommunicated me, that was when I turned heathen. I got fired, then said to myself ‘If I get knocked down again I’m coming up with my hands full [of pistols].”

“I’ve not been depressed since [I did the killings]. As long as I can breathe [he sucked in a big breath), and [smiled as he exhaled], feel my heartbeat, feel my body move, I am entertained.”

Hessler had gained some privileges because of his criminal notoriety: he was respected, feared and admired by the other county-jail inmates. Jerry first experienced the benefits while being held in the Franklin County Jail during his trial. There is a lot of blustery trash talk in the county jail. One of Jerry’s braggart cellmates boasted of having committed a macho crime like armed robbery. Hessler said that, “This guy was always acting tough about his crimes and said to me, ‘What are you in for.’” Jerry looked kind of bookish; he was short, well groomed and wore large, thick glasses. He took pride and casually responded to the inquiry by saying, “Seven counts of aggravated murder.”

When Jerry decided to kill, he went through a process he called “shutting down.” During the shutting down phase Hessler said, “I am preparing to kill. I just get real quiet and begin to put my things in order.”

There was one inmate at the county jail who tried to earn a jailhouse reputation by heckling Hessler. “He had been giving me shit for a long time,” Jerry said. “He was trying to act tough. I thought, ‘If he comes after me all he’ll get is an assault charge. If I kill him what they gonna do [to me]?’”

Hessler started shutting down. He said the other inmates told the guards what was happening, “and they put me in the hole for two weeks until I was moved to prison.” Over the course of two interviews I witnessed Hessler “shut down” while he prepared to kill a corrections officer. One new, cocky young guard assigned to Death Row on a temporary rotating basis had been frequently heckling Hessler and called him “baby killer” and “tough guy.” Jerry had decided to put an end to the harassment by killing the officer. The guard was assigned elsewhere before Hessler had the chance to assault, and Jerry died soon after.

Hessler felt that his life had been steadily improving since he had arrived on Death Row. He was taken from the Franklin County jail and moved to the Department of Correction’s processing center at Orient, Ohio. “They came and got me out of the hole at 5:30 in the morning and took me for processing.

“There were two uniformed transport officers. I was shackled for the 20-minute drive to Orient. The officers were very formal,” said Hessler. Hessler smiled as he recalled what
happened at Orient. “I got to go to the front off the line ahead of a busload of other inmates.”

Many of the other prisoners waited all day for processing, but Hessler said “I was done by 11:30, but then I had to wait three hours till they brought Raglin in from Hamilton County.” [Raglin was another inmate being transported to Death Row at ManCI.]

On the move to Death Row in Mansfield, the mood changed. “One off the guards in the van was waving a pistol around, trying to act tough,” Jerry said. “He was saying things like, ‘Say goodbye to grass.’”

The weather was a bit of a portentous omen, forecasting one of the coming changes in his life: the guards at Mansfield would not recognize Hessler’s infamy, and they would take measures to end his notoriety. “It was the first snow of the season, it was kind of ominous,” he said.

At Mansfield Hessler retained a small amount of status because of the magnitude of his killings, but he lost the notoriety he had experienced while in the Franklin County Jail. At ManCI Jerry was pretty much just like the rest of the inmates: he was just one more murderer.

Hessler vividly remembered the details of his arrival. “They put us in the holding area at 7:30 [p.m.] and brought me my first meal on Death Row. It was a nice meal tray with fried chicken.

“They processed us in and interviewed me. I went to cell 1019 with a camera on the wall. I was told ‘You’ll never get off C.'” [C pod is the restricted security area known as "the hole." ]

Hessler realized he had some strikes against him with the officers at ManCI. “Some of my crimes were in Ashland, which is kind of like their back yard,” he said.

The Captain of Death Row – the commanding officer of the Death Row guards – interviewed Hessler on his first night at ManCI. According to Jerry the Captain told Hessler “that I had an unrepentant attitude.”

“The guards, they see the true madness of this situation. They know that [if they] fuck with me you’ll [they will] find out what true insanity is.”

Hessler often said, “I should have come with a warning label.”

Guards are usually cordial to inmates; Death Row is a situation where mutual respect helps keep the peace. Most of the corrections officers realized they were dealing with condemned men who had nothing to lose.
Six months before his death, Hessler was upbeat about the time he had spent on Death Row. Just like being in the military or his strict Mormon lifestyle, he had responded well to the structured environment of high security prison. “My life has been uphill [improving] since I got here,” he said. “Here things have never been better in my life. I learned to get along with the system; the system’s learned to get along with me. I’ve learned the policies.

“I’m well suited for the environment.”

Hessler’s bravado attitude about the murders remained unchanged through the two-plus years that I interviewed and communicated with him. While at Mansfield Jerry was interviewed for a news story and asked if he was sorry, and did he regret being on Death Row. He responded, “Hell no, that’s the price of the ticket.”

Although Jerry did not seem to be at all bothered by his murderous actions, and the suffering of the dead was over, others still dealt with immense pain from his unrestrained, homicidal explosion. Nobody shared Jerry’s empty joy about the killings. The survivors on both sides of the crime carried on with little respite from grief.

The families of the murder victims experience intense loss, ongoing emotional pain and unresolved anger towards the killer. There are support groups for the surviving family to ease the hurt, and some report they finally experience relief and a form of closure when the murderer is finally executed. However, the families of the killer have few if any resources.

The parents of a murderer can spend their life burdened with remorse and sleepless nights filled with the why’s, what-if’s, and if-only’s. In addition, it is an exceptionally tough life for a parent whose son murdered and that child also has a chemical brain disorder.

Carlene Hessler struggled for years with Jerry’s mental health issues. She silently dealt with the shame, embarrassment and fear that were induced by her son’s behavior. And worse, as Carlene told it, she had no one to talk with, no one to share her grief, sorrow, alarm and fear.

Mrs. Hessler was sitting across from me on her living room couch, hands folded in her lap. Outside it was a brisk, sunny January morning, temperature in the low 40s. There was enough melting snow left on the ground to muffle most sound; all was quiet except for little sparrows flittering around in front of her picture window and the hiss of wet tires spinning past on cold asphalt.
Nature was in a seasonal limbo: the barren emptiness of winter was not yet gone, but
the worst had passed.

"After Jerry 'did his thing' I didn’t have anyone to talk to," said Mrs. Hessler. "I tried my
friends at church but they’d just change the subject. My pastor wasn’t any help and the
people I worked with acted like nothing happened. Jerry’s brothers were too upset to
even talk about him."

The room felt quiet; somewhere a clock was tick, tick, ticking-off the seconds.

Carlene sighed, looked up and said, "I was just all alone with it."³²

Jerry was the oldest of three boys, and felt he was Mom’s favorite. "I am blessed, Mom
and I are closer than ever," said Jerry in an August 2001 interview. "My two brothers
keep contact, but she’s closer to me than them. At least she’s begun standing up for
herself. I’m 43 and she’s 68."³³

Carlene Hessler loved her son but at the same time was wracked with guilt and shame
because of his killings. Worse, she had no one to turn to, no resources to access, no
way to deal with her feelings. She carried on as best she could and it was eight years
before she found a person she felt safe to confide in.

Shortly after Jerry’s death Carlene Hessler began to meet with me and opened up about
life with her beloved son Jerry. Our first meeting was a week after President Bush
launched the war against Iraq; Jerry had been devoted to the National Guard for 16
years prior to his arrest.

“I watch the war all the time, and then I think of Jerry and I just can’t seem to do
anything else,” she said. “This would have been killing him. He’d have said, ‘They need
me Mom, they need me.’ He loved the National Guard, he really loved it.”³⁴

According to Carlene, Jerry’s mental health issues surfaced years before his crimes. And
so did her fears; there were times she was afraid to be around him and many times she
worried he would hurt others. She also experienced great humiliation because of his
actions that resulted from his chemical brain imbalance.³⁵ She said that in the spring of
1995, six months before the murders, “He was living here with me and he turned
violent. He punched holes in all the walls,” said Carlene.³⁶

“I just couldn’t live with him and I went to live with my mother."

According to the transcript from Jerry’s final state-level appeal, he was hospitalized
numerous times for his mental health. During the period of April through June of 1981
he spent several weeks in day treatment at the Riverside Methodist Hospital for severe depression. In August of 1982 Jerry spent 10 days at Riverside for severe depression and was diagnosed with borderline personality disorder. In September of 1982 Hessler stayed at the Ohio State University Medical Center and was diagnosed with major affective disorder, major depression and dependent personality.

"I should have come with a warning label."

Jerry Hessler
Interview: 10 July, 2002

In February of 1983, following four weeks at the Central Ohio Psychiatric Hospital (COPH), Jerry was diagnosed as having mixed personality disorder with hysterical, dependent and passive-aggressive features. Records also show that Hessler received outpatient care from several other mental health professionals during this and later periods.

When Mrs. Hessler moved out in 1995, Jerry’s brother Jody visited the home and Jerry chased him out of the house while waving a pistol at him. Russell reported holes punched in the walls and said that much of the residence was ankle deep in trash.

Mrs. Hessler wanted help for her son, but was unsure where to turn. She contacted the police, a lawyer, the Columbus prosecutor’s office and various community health personnel in the spring of 1995 in an effort to get some form of aid for Jerry.

“I was scared of him and ashamed to tell anyone what was going on,” said Carlene. “We eventually put him in the state hospital” in May of 1995.37

Though Jerry had exhibited violence and hostility, when it came time for treatment Mrs. Hessler said he willingly complied, “When the caseworker came Jerry didn’t argue, he just went along with it, he didn’t resist at all.”

Although he went willingly with the caseworker, Jerry was listed as being involuntarily committed to COPH and its records show that he was diagnosed as having delusional disorder, persecutory type, possible intermittent explosive disorder and dependent personality.

Despite the fact that his prognosis was only “fair,” Jerry was discharged from COPH on July 20, 1995. Sometime after August of 1995 Jerry stopped showing up for follow-up psychiatric appointments and it is believed he stopped taking all medications. Just three months later on November 19 Jerry killed four and wounded two.38
“After he was in the hospital he was on eight pills a day,” said Carlene. “When he got out he lost all his strength, he just didn’t have it in him anymore.”

It was apparent to the family that after his release from COPH in July of 1995 that Jerry was not in good mental or physical condition and his level of frustration was increasing. “He was kind of a mess,” said Mrs. Hessler. Despite his condition Jerry continued to study and train hard in an effort to advance in the National Guard, which seemed to be the only thing that really mattered to him. He would run five to ten miles per day in the hottest part of the afternoon, but he completely stopped his physical training for the Guard after the 1995 COPH stay.

“He’d get frustrated, he worked and studied so hard for the National Guard, but he just didn’t seem to get ahead,” said Carlene.

“He said a lot of the other guys in his unit went out drinking together a lot, but he stayed home and studied. He said, ‘Mom, it just doesn’t seem fair, I work so hard.’ But he just couldn’t seem to get ahead.”

The rage from all of Jerry Hessler’s disappointments, lost loves, tortured feelings and depression came to a head on 19 Nov. 1995. He’d had enough; it was time to get even. Jerry had meticulously planned his day. His mind – although sharp, militarily trained and disciplined – was confused and befuddled by brain chemistry gone awry. He knew full well that what he was about to do was wrong, but his psychopathic lack of feeling put him on an almost unstoppable path of homicide.

His motivation was not brought on overnight; a long, complicated, intertwined chain of events and relationships goaded him. Jerry’s recall of events differs somewhat from the version in the transcript of his state appeal.

Jerry met Judy Stanton through the Mormon Church and they dated for several years during the mid-1970s; they grew close and contemplated marriage. In 1980 Jerry left for National Guard training, and when he returned he learned that Judy had been dating his good friend Doug Stanton. Doug had grown very close and decided to marry. Hessler was devastated when he learned of their pending marriage, described Doug as a “Judas” and made several threats of physical harm against him.
Jerry told Doug, “I will make you a nonentity, you will cease to exist, you will not know where, you will not know when, and you will not know how, but it will happen.” Doug and Judy married in January of 1981 and eventually moved away from the Columbus area. On numerous occasions the couple asked Jerry to leave them alone, but he always managed to locate them and consistently sent Judy cards and packages.\textsuperscript{42}

Their last move was from Michigan to Ashland, Ohio. They left no forwarding address, asked friends and relatives not to give out their new address, and eventually the cards and packages stopped coming.

After the breakup with Judy, Jerry was hospitalized several times for mental illness.

Jerry also met a woman named Laura Griffin through the Mormon Church in the mid-1980s. Although Hessler said he viewed Laura as his “best buddy” and denied romantic involvement, like the other relationships this one soon grew troubled. Laura began dating a friend of Jerry’s named David Stacey. Jerry and David had a falling out; Hessler became aggressive towards his former friend and began to seriously harass both David and Laura. The couple asked Jerry to leave them alone.

David and Laura married in 1988 and moved away from Columbus. Because they were frightened of Jerry, they asked family and friends not to disclose their location. However Jerry always managed to locate them, even when they moved as far as Hawaii.\textsuperscript{43}

Laura’s father, Paul Thane Griffin, was one of Jerry’s four homicide victims on the 19th of November.

In 1991 Bank One of Columbus hired Jerry as a customer service representative. At the job he met and developed a serious affection for Tracey Myers, and went as far as to tell his mother that he finally had found a replacement for Judy. At first Tracey was receptive to Jerry’s advances, but eventually became uncomfortable and told him to leave her alone.\textsuperscript{44}

Tracey began dating Brian Stevens, another Bank One employee. Tracey and Brian married in 1995, yet Jerry continued to shower her with small gifts and unwanted attention. Tracey complained about Jerry’s actions to Bank One management. Simultaneously Amy Wells, another Bank One employee who was married to Doug Wells, filed similar complaints with the company about Jerry.

Tracey and Brian Stevens and Amanda, their four-month-old old daughter, wound up being three of Jerry’s four murder victims. Jerry had not targeted Amanda, but said that Tracey had been holding her and the baby was “collateral damage.” He also wounded Ruth Cantor, a visiting friend.
In August of 1994 Bank One management met with Jerry and he signed a statement saying he would not have contact with Tracey, and that any further contact with her was grounds for termination. In October 1994 Jerry's supervisor Mark Campolito fired Hessler for violating the agreement; Campolito was supported by his supervisors Kim Ogilbee and Mary Freech.

On the night of his rampage Jerry shot Campolito in the arm but was not able to kill him. By the time of the trial in the fall of 1996, Mark had been through two operations to repair damage from the shooting but had not yet regained full use of his arm.

In addition to his National Guard duties, Jerry held two jobs. After the firing from Bank One and his subsequent hospitalization and release, he returned to his second job at Ameritech. His family bought him a car and hoped he would improve. However their hopes began to fade when sometime in the fall Jerry told his mother, "I'm back to doing the same things I was before I went into the hospital."

Sometime during autumn of 1995 Mrs. Hessler discovered Jerry combing through a garbage bag in her garage. Jerry told her to stay away, but after he left Carlene discovered the bag contained items discarded by Tracey such as bank statements and diapers. Mrs. Hessler became worried and told her daughter-in-law of what she had discovered. On the 14th of November the daughter-in-law called Bank One to warn them about Jerry.

On the 12th of November Karen McNelis, a casual friend of Jerry's spoke with him at their health spa. Jerry told Karen he was going to settle the score with some people who were responsible for his firing at Bank One. McNelis said he appeared determined and that he told her he had been thinking about it for more than a year.

In October or November just prior to the murders, Laura Agaristi, another female friend of Jerry's had contact with him. He asked her to go target shooting and told her he had a new gun. During one of their conversations Jerry told Laura that he was going to bake a cake for Tracey and if she did not accept it, he said it was "not going to be very pretty." Earlier that summer Jerry had asked Agaristi to be his alibi. He told her, "You will know when I need it. Just say I spent the night with you."

Through all this, Hessler was rational in the sense that he planned the killings. Even through his arrest and booking he remained cool and calm, as though he had just spent the day visiting friends.

"On the night of the killings I was arrested at 10:40," said Hessler. A squad with flashing red and blue lights had pulled up behind Jerry: he complied and pulled over, completely calm. "They swarmed. It seemed like I was surround by [squad] cars," he said. "I got out with my hands in the air and told them there was 200 rounds of ammunition on the front seat."
Jerry’s last homicidal attempt was at the Ashland home of Doug and Judy Stanton. Police called the Stantons and warned of Hessler’s rampage. Doug had been preparing for this night for years. Their four children had been through countless “bad guy drills” and knew to stay low and seek cover.

One of Jerry’s preparations was to don a bulletproof vest before leaving home.

Doug was armed when Jerry approached their back door. Stanton came out of the door in a crouch and Jerry had anticipated a standing target. “He was good,” said Hessler. “I had worn a vest but he hit me with a shot from a 45 caliber. I was stunned and missed a head shot.”

That shot to Hessler’s chest saved the Stantons. Although not immediately lethal, the ensuing damage to Jerry’s heart was the cause of his early death. Jerry would have benefited from a heart transplant, but most convicted felons – especially those on Death Row – do not make it onto the waiting lists for organ transplants.

Jerry recalled an event of the night of his arrest as somewhat sarcastic and humorous. “My pager went off just before I was arrested,” Jerry said. “After I was finally processed and settled in at the county jail I called to get the message. It said, ‘Mr. Hessler, this is Sergeant ***** with the homicide squad. We’d like to talk with you.’

“And I thought, ‘I bet you do.”’

Although Jerry made some feeble plans for a getaway and a weak attempt at an alibi, it was as if he never really expected to make it out of the Columbus area. He was arrested as he was driving away from the second stop in his plan.

“The police just cascaded down on me from all sides,” he said. “One behind, one in front, then I thought ‘Vest or no vest, these are gonna be head shots.’” Jerry calmly got out of the car with hands in the air and told the police about the gun and ammunition in the front seat.

Although Hessler had worn a bulletproof vest, he sustained some injury when he was shot at point blank range. Jerry was taken to the hospital and even at that early stage he seemed accepting to any punishment he might receive.

He had a conversation with the receiving nurse and she asked him why he did the killings. Jerry calmly responded that he was willing to accept any consequences. It was as if he had no fear, no negative emotions about what the future might hold. He had done his killings, the party was over, and it was time to get on with a new way of life.
It took most of the inmates interviewed many years to get used to the high level of secure confinement and lack of human contact. Some never adapted and some found the adjustment so difficult they “volunteered” for early execution.

Hessler’s mental state allowed him to adjust much faster to life Death Row. During an interview on 22 Nov. 2002 – six years after admission to ManCI – he seemed perfectly at ease and at home on Ohio’s Death Row. He had been that way almost from the start of his sentence.

Jerry did not mind the small cell, the endless hours in solitary confinement, or the monotonous routine. “There’s this time dilation,” he said. “It can be nice and comfortable in here, but you leave the world out there and kind of let time wash over you.”

“I can’t keep track. I looked at my calendar and you were last here on September 13, but it seems like only two weeks, it’s part of being inside and cut off from the world.”

Hessler had thoroughly adapted to the Death Row world but was still interested in life on the outside. He was fascinated with the news and outside events. At the beginning of each interview he asked for the day’s topics, so we could cover them first and fast, and then move onto current events.

Jerry wanted to know the angles to the news, the aspects that were not usually reported: how people felt about the war; the public’s view of current administration, and; other opinions of everyday people on the outside. During the November 2002 interview he was keenly interested in seeing the new currencies: the $20 bill and $5 gold coin. I just happened to have the $20 bill with me, but not the coin, which I promised to bring later.

But there was one thing from the outside that Jerry had learned to shun: family visits. Carlene Hessler said that her last visit with Jerry had been particularly difficult. “I was there four or five hours,” she said. “I got ready to leave three times and he’d cry and ask me to stay.”

She said Jerry liked visits from old friends, but for him family was hard. And for the family it was even harder. “When family came all he did was talk about old times and that was really tough,” she said. “He finally asked me not to visit again because there was nothing to talk about.

“I only visited him six or seven times while he was there. I hated those visits. On the last one the person that took me to the outside worried that something had happened. When they took me out on that little golf cart ride they asked me if something was wrong.
"I just wanted to run out of there so fast and never come back. It was awful"

Mrs. Hessler said that Jerry’s brother Jody visited twice, but that Rusty could not face it. "When Jerry was in the country jail Rusty took some clothes down for him to wear to court. He just dropped them off and left, he couldn’t face it. Rusty saw how Jerry treated me when he was angry."

Jerry offered more examples of how easy it was to lose track of time on Death Row; it was as if current events had no meaning to him on the inside. During a September 2002 interview he said, "We watched 911 on TV. The world [outside] is changing. When 911 happened I was downstairs in [cell] 1001. Now I am upstairs in 2003. That’s the only change in my life since 911."

Hessler compared his life to literary references of a vampire. "Some say we’re already dead, we just don’t know it yet. I’ve never felt more dead. The worst part of being on Death Row is I’m not involved in anything," he said. "I’m not part of what’s going on in the world; I’m just an observer now."

Jerry likened himself to Lestat, Ann Rice’s vampire character. "Lestat the vampire is frozen in time and he dies because he can’t keep up with the changes," said Hessler. "He’s a man out of time; here we’re frozen in time."

Jerry lamented that there was very little to report when writing to outsiders or even other inmates on Death Row. "When I write to other guys here, or elsewhere, there’s really nothing to tell," he said. "Things are all the same all the time."

Jerry said most of the inmates liked older music, like classic rock, and their musical tastes reflected the popular tunes at the time they were arrested. "I like the newer music, Pink and some of the others," said Hessler. "But I have no relationship to the new music. I can’t think back and relate the song to something I was doing in my life," he said. "I can’t say something like 'I heard that when I was making love' or 'when the war started', or anything like that."

Lack of material belongings did not seem to bother Jerry, but it did make him attach special importance to items that others' might think were inconsequential or of little value. "I finally got some new shoes," he said. "I’ve been requesting them a long time. These are probably the nicest shoes I’ve had since I’ve been here, they’re really neat."

Hessler liked consistency and was bothered with the differences in enforcement policies by the guards. The practices of both the older lenient and the newer strict corrections officers upset him. "The new guys, the ones right out of training, they go by the numbers. The older guys they operate by kind of shorthand rules," he said. He lamented that many of the older officers took early retirement or transferred to different positions to enhance their employment portfolios.
Jerry had been through one Death Row riot and escaped without harm. The uprising had been in another pod, but briefly moved into the lower level of his pod. “A lot of damage was done by the guards to guys' property,” he said. “But by the time they got upstairs to me they [the guards] were too tired to fuck with me.” Jerry had been painting his cell, so the door was open and he had access to the range walkway. “I saw two inmates from the other side come through the door, and I thought, ‘What are they doing? That doesn’t look right.’

“Then I saw they had the key in their hand and there was blood on the key. Then I thought, ‘I KNOW this isn’t right.’"

The riot was confined to two cell pods. Inmates were tear-gassed, a few beaten till restrained, but it was over quickly. The inmates responsible for the Lucasville riots – now housed on Mansfield’s Death Row – were mostly responsible for the ManCI riot. Some inmates said the ManCI riot was over conditions, others said it was to stop Wilford Berry’s attempt to volunteer to be the state’s first execution since reinstating the death penalty.

Mrs. Hessler said that the rioting inmates were beating up Wilford Berry. She added that Jerry tried to help Berry and was beating on a locked door to summon the guards, but they almost shot him.50

Hessler used his military training and taught the inmates to avoid the tear gas by crawling on the floor and covering their faces with wet washrags. “After the riot they moved him to another building,” said Mrs. Hessler. “He told the guards he wanted to take off his shoes so he could feel the grass on his feet. He said he looked up and saw a flock of geese and he said to me, ‘Mom did you see those? They were beautiful.’ Those were the kinds of things he missed.”

Several years after the riot Hessler and others were upset by budget cutbacks. The reductions affected the quality of food and he was especially perturbed about the lack of personal supplies like sheets and shower curtains. “Most complain about the food but I think it’s okay.” He smiled and said, “I like it, but the rest complain and still order two trays and get fat. About twice a week we get these ‘mystery meat’ patties. They taste okay but look pretty bad.” 51

The security system required guards to manually open each door with a key. Cell pods were behind double doors. To prevent hostage taking escapes, no guard carried keys to both doors. During more than one interview trip, DR guards had propped several doors slightly open with doorstops. The barely-open doors circumvented the prison’s electronic watchdog system: in the main control room the doors all appeared to be securely locked.
But back in the pod, the open locks allowed someone to pass freely through the different double security portals and exits of the pod without using keys: the door-guards could take it easy and stay in their seats.

Recent state budget reductions had angered most of the DR inmates. This move by the guards which favored convenience over security had Hessler convinced that another riot was imminent. “Security is getting lax,” he said. “There’s more weapons in here than ever before, the cutbacks are pissing off the inmates and things will blow up.”

Despite his aforementioned dislikes, in general Hessler got along fine with the corrections officers. He flashed a huge smile and said, “The COs don’t bother me. They’ve figured out I’m smarter than they are and I’m clinically crazy so they don’t fuck with me.”

Hessler said his reputation and that of the others kept the guards at arm’s length. "It’s why we can get away with things," he said. "They choose to ignore a lot of things and call me on the little stuff to keep me in line."

Hessler cited several examples of how he adapted to Death Row and how the guards adapted to him and the others. "We used to get Gallery and Fox magazines but they stopped them because they showed penetration with objects," he said. "They said they stopped the magazines because they were too sexual, but they turn a blind eye to anal or oral sex in the rec cage.

"I mean, the cage is right behind the guards with all glass windows. They just turn their backs or all of a sudden they all leave the room and get busy down the hall."

Hessler said the porter jobs went to "those with high sexual appetites that play the game with the guards." Those inmates that cooperated and made life easier for the COs were rewarded: they were appointed to coveted work positions.

"The guards open the food slots with a key and they [the food slots] are supposed to be closed after breakfast, but they leave them open till after lunch or later.” He said. “The porter can just stick his dick through any food slot for oral sex.”
Hessler said the guards turn a blind eye to the porter, as long as he plays by the unwritten rules and keeps in line. “The guards will ignore what they want, but like the rec cage, it’s not okay to be too obvious.”

Before DR 5 was opened, there was not enough cell space on Death Row and some inmates were double celled, even though it violated state and federal regulations. According to Hessler, for a long time inmates DayDay and Carter were cellmates.

“DayDay and Carter shared a cell and they had the noisiest sex I ever heard,” said Hessler. “Eventually they broke them up. They [guards] use sex as a way of stepping on your throat, and put them together as appeasement.

“I’ve been moved five times: three because I decided I wanted to.”

Hello Eric,

I am Jerry Hessler mother. I am sending you $10.00 for books that Jerry said you could get for him. Jerry wrote to me and he enjoys your visit with him.

Thank you Eric, I have been praying that someone would go up to visit him.

My prayers have been answered. Eric, I would appreciate a copy of the essay that you are doing on Jerry when completed. Thanks.

God Bless,

Mrs. Hessler

July 14, 2002

At 1:40 a.m. on 14 Jan. 2003 Jerry Hessler was found dead in his cell. In his hand was a bottle of nitroglycerin tablets he took for cardiac pain. The injury he sustained to his heart when shot in the chest had finally caught up with him. Dr. Stephen Banko, M.D. and Franklin County Coroner listed the cause of death as arteriosclerotic heart disease. Death from Doug Stanton’s 45-caliber slug was delayed by Jerry’s bulletproof vest, but eventually the bullet’s damage turned lethal.
Mrs. Hessler called me by phone that morning to let me know. Carlene thought I would rather hear from her than on the news. She said, “You were the only person that visited Jerry. I had prayed that someone would go spend some time with him, and then you showed up. He felt you were a good friend.”

I asked if there was a funeral and she was pleased that I would attend. “I want to have the few friends of his there,” she said. “There weren’t many.” After a long silence, Carlene’s voice was choked with tears and a hint of guilt when she said, “I prayed that he would die like this, in his sleep. I didn’t want the state to kill him like that, like they do.”

The funeral was the strangest I had ever attended. Ever fearful of media attention, there was no death notice and no sign or listing in the entry hall of the funeral home. Two large attendants stood like guards blocking my way. I asked if this was the location of Jerry Hessler’s funeral, they looked at each other and gave me a blank stare. I told them, “My name is Eric Lose, I’m a close friend of Jerry and his Mother.” They parted and pointed silently down a long hallway.

I went directly to Mrs. Hessler, offered my condolences, and told her that Jerry was my good friend and I would really miss him. Tears welled up in her eyes and she thanked me for coming. I could feel her contrasting mixture of sorrow and relief, love and confusion, loss and gratitude. I told her how Jerry had asked me to bring him a $5 gold piece on my next visit, and showed her the coin. She suggested I place it in the casket with him and said, “He would like that.”

Carlene had little money for Jerry’s funeral. She commented that it was nice that the prison sent some clothing for him to wear. I did not let her know that he was wearing a corrections officer’s white shirt, and dark grey sweater with military style, epaulet-like shoulder straps and black leather trim.

The preparation of Jerry’s body was definitely low budget. His head was freshly shaved, either by himself or the coroner. Fully visible across the back of his skull were the large x-shaped autopsy stitches, and behind his head was a large piece of clear plastic sheeting, possibly to catch any cranial seepage.

To the left of the casket was an easel displaying a collage of photographs of Jerry from happier days: cute childhood school photos, shots of him posing proud in his military uniforms and at work in his Bank One and Ameritech cubicles.
Mrs. Hessler introduced me to Jerry’s brothers and their wives and one of his friends since grade school.

Hardly anyone viewed the casket. The room was hushed and everyone spoke in low tones like they were at a funeral, but acted like Jerry’s body wasn’t there. He was an embarrassment that no one – other than Carlene – wanted to acknowledge. Two ministers gave short sermons about family healing, but they spoke not one word about Jerry, his accomplishments or struggles with mental illness. It was as if they held a funeral and forgot to invite the dead guy.

I met with Carlene many times after, both for interviews and just to listen and be a friend. Like me she was angered by the ministers’ sermons and their complete disregard for Jerry’s presence. She said she did not know how to feel. She missed her son but was glad he had escaped Ohio’s lethal injection.

On 19 Nov. 1995 the lives of four innocent people were wasted and destroyed as the result of a man’s violent behavior caused by a chemical brain disorder. Seven years later Jerry Hessler died and a fifth life – that of a remarkable, intelligent, charming but tortured man – was wasted because of an untreated mental illness.

Was the score now four to one in Jerry’s favor, as he had hoped? Or was it five to nothing in favor of chemical brain imbalance?

Despite his killings, Jerry Hessler became my dear friend. I looked forward to our visits and got excited when I saw his letters in my mailbox. And like his mother, I miss him.

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1 "Listing of Ohio Death Row Inmates."
2 Interview with Jerry Hessler; 10 July 2001.
3 "Mental Illness on Death Row."
5 Diagnostic and Statistical Manual of Mental Disorders: DSM-IV (645).
6 Email to author from Dr. Jackie Scheff; 27 Nov. 2007.
7 Holmes and Holmes: Profiling Violent Crimes (67-8).
8 Holmes and Holmes: Serial Murder (35-6).
9 "2945.371 Evaluations and reports of the defendant's mental condition."
10 "2903.01 Aggravated Murder."
Living on Ohio’s Death Row: Chapter Five
Gregory Esparza: Survival
DOB: 4 Feb. 1963
Arrived Death Row: 23 May 1984

County: Lucas

Summary of Crime: Esparza was convicted for the murder of 38-year-old Melanie Gerschultz on 2 Feb. 1983 at the Island Variety Carryout in Toledo, OH. Ms. Gerschultz worked in the carryout. One witness testified Esparza was wearing a ski mask, entered the store, shot Gerschultz in the neck and stole money from the cash register. Esparza purportedly told his sister and a fellow jail inmate about the robbery-murder.¹

Esparza insists he is innocent. In August of 1999 the U.S. Sixth Circuit Court of Appeals threw out his death sentence, but two years later that decision was overturned and the U.S. Supreme Court reinstated Greg’s sentence and gave him a new execution date. He has since received a stay of execution because the Sixth Circuit Court said his case had "several appealable issues."²

Greg was the first inmate to volunteer for this project and he brought others along. However he did not bring quite as many as he claimed; he took credit for recruiting one

Greg Esparza exemplifies everything that is good and bad about Ohio’s Death Row. He can be warm, friendly, helpful, charming, cooperative, humorous, eternally positive and hopeful. On the other hand he can be manipulative, a frightful extortionist, brutal, violent and downright evil.
candidate who later told me he had heard about the research from my mailing, not from Greg. It seemed to me that Greg was trying to manipulate and gain favor for the actions of others. But overall he was very helpful and gave me good leads on reading material, introduced me to other inmates with specific experiences, and he repeatedly tried to arrange interviews with men just prior to their execution.

Esparza also supplied me with an enormous volume of news clippings, newsletters and information about the death penalty from various publications and organizations. Greg even bought and mailed me evidentiary Polaroid photographs that were taken after the 5 Sept. 1997 Mansfield Death Row riot. Along with the photos was a note that read, “Just like Morgan Freeman said [in Shawshank Redemption] anything is available in prison.”

Greg was generous, but he also had an agenda: he wanted publicity for his case and he needed a new source to import drugs into the prison. Esparza had manipulated and extorted a guard into smuggling drugs, but later found it necessary to inform on that same guard [when he doubled the price of smuggled marijuana]. Over time the security for my interviews became lax and after the first few visits Greg began a long-term process of trying to extort me to smuggle marijuana to our interviews. When I balked Esparza attempted to put me into a “damned if I don’t” situation: he suggested that if he told the guards that I was already smuggling, my research project would be shut down.

Fearing the worst I informed Greg Morrow, the Death Row social worker, about the situation. Morrow was understanding and very aware of the inmate process called "fishing," a method of slowly ensnaring someone to violate the law out of fear of reprisal. Morrow’s reply was, “Okay, which of my knuckleheads is trying it THIS time?”

Before calling Morrow I wrote Greg and informed him that in order to protect my personal and professional reputations I could no longer meet with him for personal interviews.

Inmates have nothing but time, and will spend years fishing a guard to gain his confidence. Violation of as small a rule as loaning one cigarette – over several years’ time – can eventually mushroom and ensnare a guard. Once the CO is hooked, in an effort to save his job he is forced step-by-step down a path of increasingly severe infractions. Ultimately a well-intentioned, nice-guy, empathetic gesture by a Corrections Officer can turn into a trap: eventually the CO smuggles drugs into the prison in a misguided effort to save his job.
Esparza was dropped from the program 17 June 2003. Even though he had threatened to scuttle the project, I still missed his letters, calls and out interview time. Greg was always upbeat, was quick-witted and had a raucous sense of humor.

In late 2003 the U.S. Supreme Court ruled on Esparza's appeal: claiming that the prosecutor's misdeeds had been "harmless error," they overturned the earlier decision of the Sixth Circuit. For four years Greg had believed he would someday be free, and then on 3 Nov. 2003 his hopes all came crashing down.

I cried when I read the news of the decision. No matter what Greg had done, I felt truly sorry about the ruling. I wrote a letter to Esparza, and told him "I was shocked, angry, and sorry to hear the Supreme Court dumped on you . . . We had a falling out, but that doesn't change how I feel about this news . . . it sucks elephant[s]."

Esparza called a week later and apologized for what he had done five months earlier. The he surprised me and said, "It took a helluva man to write that letter. It means a lot to me."

I replied that originally I had been very angry, but now felt I did not have the right to judge him because I did not have to survive in his world. I think Greg was surprised by my response. He was silent for what seemed a very long minute.

I swore to myself that I could hear him smile: then he said, "Oh, so did we just kiss and make up? Does this mean I'm still your Latin Lover?"

Several times Esparza suggested that I try to arrange to spend a week on Death Row. He said, "Then you'll know what it's like to be us." Greg assured that he would protect me from any trouble. He added, "You'll be safe. Nobody's gonna mess with my lover."

Esparza's same-sex jokes were funny, but at the same time beneficial. Soon after the humor began, Greg opened up about love and sexual relationships on Death Row. In all the interviews, when the topic became too personal or the inmates felt it might hurt their appeals they were free to change the topic.

Esparza was different: when Greg wanted to lighten or change the topic, he switched with humor.

Greg was not the only interview-comic on the Row. Donald "Duke" Palmer was usually serious and straight forward, until he encountered a friend in a low mood. Duke would relentlessly tease someone he cared about, until they were laughing with him.
When it came to humor nothing was off limits to Palmer and Esparza. In October of 2006 Duke called me 15 minutes after my wife announced she wanted a divorce and left with our son in her new minivan: a Kia Sedona that I had cosigned on the loan. I was devastated when I answered the phone, but Palmer insisted I use the Internet to import a foreign wife.

"You need to get you a Russian biochemist; one of those mail-order brides," he said. "Somebody who's starving now, but will make you rich after she gets here."

A few jokes later Esparza walked past the phone bank while Palmer was still teasing. Duke said to Greg, "Hey Mex, Eric's wife just left him."

Esparza grabbed the receiver from Duke and asked, "She found out about us?"^7

Over time I felt there were two issues related to my relationship with Greg Esparza, and they had to be resolved before we met for more interviews: 1) how would I view his claims of innocence; and 2) how would I view his general Death Row survival behavior?

For this project, I had decided I was not judge or jury, and would not challenge any claims of innocence. Although some of the inmates' protestations of innocence were so far-fetched they were insulting to hear, Esparza's assertions had some merit. The attorneys for Greg's federal-level appeals strengthened his claims of innocence with credible evidence of prosecutorial misconduct. Over time witnesses had recanted testimony and admitted to lying on the stand because of pressure from the prosecutor. Others became jailhouse informants in exchange for cash and sentence reductions.

An eyewitness to the shooting first told police in a deposition that the assailant had been a tall, thin, white man in his thirties. Later at the trial he changed his testimony and described a short, thick-necked Mexican wearing a ski mask. "How could he tell there was a Mexican under that ski mask?" asked Esparza.^8

In almost every trial there are mistakes made that that are revisited during the appeals process. These blunders are called "harmless errors" and are often acknowledged by an appeals court, but deemed to have had no influence on the outcome.

In addition to the "harmless errors," during most criminal trials there are usually a few facts that just do not stack up. Regardless of the weight or supposed value of conflicting or inconsequential evidence, the prosecution is required by law to make all data the available to the defense team. In Greg's case, there was a fair amount of evidence of guilt, however the prosecution also had and withheld as much or more proof of his innocence.
In an interview in March of 2006, Greg said his attorney had discovered that the prosecutor in his case had withheld the information about the eyewitnesses’ change of description of the assailant. That same prosecutor withheld a total of 119 pieces of evidence.9

As part of his spiritual development, Greg has learned to try to forgive those that have done him wrong. “The prosecutor that withheld all the evidence became a judge,” said Esparza. “I wrote her and told her I forgave her for what she did to me.”10

Esparza was the first inmate to be interviewed for this project on 13 June 2001; he had been locked up for the murder for 18 years, 17 of those on Death Row. Greg had started his sentence in Lucasville in 1984. In 2001 when we met he was in Mansfield, and later in 2005 he was transferred to Death Row’s new primary location at Ohio State Penitentiary in Youngstown.

He lamented that he had wasted almost half of his sentence fighting the system. “They almost stole my smile,” he said. “I spent the first eight years fighting, being gassed and in solitary.”11

Esparza was one of only two Latinos on Ohio’s Death Row and he joked that he had not seen a burrito since 1983. “I lost my culture. There’s only one other Hispanic here, but I wound up finding I could blend in with both races.”12 He felt that the system dehumanized the inmates to the point that they had little respect for each other’s lives. To Greg, Death Row had an atmosphere that was conducive to violence.

Death Row prisoners are already facing execution, and often said that further punishment was not a deterrent. Some had little or no respect for the sanctity of the lives of their neighbors, but overall were less violent than the inmates in general population.13

Although the atmosphere was generally peaceful and cooperative, once a fight started it quickly elevated to ruthless. If an inmate or CO witnessed a stabbing or cutting, most said they turned their backs to avoid physical or emotional involvement.

“They dehumanize us against each other,” said Esparza. He felt that it was advantageous to the guards to have inmates focus their violence on each other, instead of aiming their pent up rage at staff.14

Death Row inmates are confined for 21 to 23 hours per day in solitary cells. Esparza and others said that serving out a disciplinary punishment in the solitary section was almost identical to standard time in their cells. They did not receive mail, could not make phone calls and the shower was down the hall.15
Of all the inmates interviewed, Esparza was the second most vocal and critical of the prison system. He had spent years fighting the guards and administration with violence, but later fought his battle through legal channels with other Death Row inmates in class action lawsuits. Their lawsuits challenged everything from meals to recreation space.

Greg claimed he had changed and mellowed over the years. “I’m not the same person that was sentenced 20 years ago,” he said. “I was a monster; I was young and headstrong and didn’t care. I thought I didn’t have a chance anyways, so why cooperate?”

Esparza felt that most people on the outside did not realize the changes that happen to inmates after long-term confinement. “Most people see a monster, not the human,” he said. “We cry, we share, we trade things, we help each other. A few months ago we had a charity pizza drive for kids.”

Like many condemned men, Esparza had a pretty rough upbringing: Death Row and seems to be the last stop on a lifelong downhill trek for abused and neglected children. A 2007 study reported that 95 percent of the men on Death Row were physically abused during childhood, and 100 percent were severely neglected.

The same study provided further details about the severity of cruelty: four out of every five DR men experienced a level of abuse and violence that met the criteria for "terrorization." Greg’s family had been split up by a social service agency when he was a young boy. He rarely saw his siblings except for one brother, who accompanied Greg through a string of foster homes and orphanages.

“Two were put in a children’s home when I was eight,” he said. “I kept running away, trying to get back home, but there wasn’t one. I’ve never experienced Christmas or Easter. Society just assumes I know these things. They took away my family and my culture.”

Esparza learned early in life about strong-armed extortion and how to use violence to get ahead. “In one group home the minister who ran it had me and another boy jump on guys as a way of keeping order,” he said. “If they got out of line we beat the crap out of them at night, and we got special privileges for it.”

Greg had one taste of normal life when he was 14 and briefly moved to Texas. “I had a suit that didn’t fit and just enough money to take a bus to Robstown, Texas where my Uncle lived,” he said. “I wasn’t scared. I saw a normal life and thought, ‘I want this.’”

Esparza was 20 years-old when he was locked up for the murder; prior to the arrest he had been heavily involved with gangs in his hometown of Toledo. He looked at his background a little differently than most might. “Yeah I was an asshole and eventually
would have killed someone,” said Greg. “When I got here [Death Row] I had to fight to survive. I was fortunate I had those tools and skills to survive.”

He felt that he and others could not get by if they followed the rules of Death Row; in order to survive he had to strike first. “You can’t be Mother Theresa around here,” he said. “You got to keep things quiet, but sometimes they catch you with your booty hangin’ out.

“I used to extort. I’m not proud of it,” he said. “I’ve sent people to sleep with nightmares.”

Greg is shorter than average, around five-feet, six-inches tall, but he is a very big man. Esparza weighs around 260 solid, firm pounds. He works out every other day with weights. He said free weights were used as weapons and helped make inmates super-strong, so the State of Ohio removed them from all prisons.

For weight training Greg used a pillowcase filled with books. “They took our weights away after the riots; we used them to break things,” he said. Greg’s strength workout routine produced good results: massive biceps, strong shoulders, and a muscled body that – even when cuffed and shackled – was intimidating to have standing in front of you.

But along with his fearsome strength, Esparza had a little-boy charm that was magnetic. He would flash a big, innocent choirboy grin that was completely unexpected and disarming. And even more unexpected and intense was the warmth and happiness that emanated from within. When Greg flashed that smile, it is like being faced with the happy-go-lucky little kid he was before his life started going downhill after he lost his family.

When I stood to leave after one long interview, Esparza stood up also. He got this funny look on his face and sheepishly asked, “Can I have a hug?” I worried I might get stabbed or bitten or worse, but I decided to gave him a hug. He stepped forward and stumbled on his chains; he had forgotten that his leg shackles were padlocked to
an eyebolt secured to the concrete floor. It was as if he had forgotten the reality of being chained down.

Was his request for a hug a ploy to soften me up? Or simply a convicted murderer who had turned vicious in order to survive and now wanted human touch?

The warm little-boy smile was Esparza’s good side. But as charming as that aspect was, there was another part of his personality that was frightening to meet.

In a December of 2001 interview Greg maintained that about ten years earlier he had changed his violent ways, quit fighting the system and settled down and began concentrating on his case. Although he may have calmed down to a large extent and never directly admitted any recent violence, Esparza had a reputation with the other inmates for being extremely vicious.

When it came to settling a score, Greg did not always get his hands dirty, not directly. In 2000 inmate Duke Palmer found himself on Esparza’s bad side. “Esparza can be violent,” said Palmer. “He preys on weakness, kindness is mistaken for weakness.”

In 2001 ManCI opened up an “Honor Pod” for Death Row in the DR 5 building. The Honor Pod inmates had almost all day out of their cells and were able to congregate and eat together. According to the inmates it was partially populated like a protective custody wing in a normal prison: filled with child molesters and weaker prisoners that could not defend themselves, but there were still some cell spaces available.

There was a mad rush of applications accompanied by a lot of backstabbing and fighting to earn the few remaining spots. The introduction of the concept of an Honor Block brought on much less-than-honorable behavior. Inmates were passing false information to guards in attempts to discredit the competition; there were fights, stabbings and drugs were being planted in efforts to garner the last few available spaces.

In order to become an eligible candidate for the Honor Pod, inmates could not have had any write-ups or rules infractions for at least three years. Donald “Duke” Palmer was trying for one of the spots. Palmer had friends already located in the Honor Pod who were putting in good words for him. Eventually Duke was disqualified because five years earlier he had failed a urine test for drugs.

Effective communication between Death Row inmates is almost nonexistent. There is little opportunity for one-on-one conversations, and communication is often relegated to passing notes or more often passing a verbal message through several people. And like the old “telephone game,” when something is passed through two or more people by word of mouth it arrives distorted. Death Row relationships are fraught with half-truths,
innuendo, rumors, gossip, lies and as Palmer put it, “Every kind of bullshit you can imagine.”

In the Honor Block they could even occasionally walk on some lawn, a rare and much sought after benefit. Duke had not yet been disqualified from DR 5 candidacy. Greg figured that if he could put Palmer out of the running, he had a much better chance of getting moved to the Promised Land. Like everyone else Esparza had hopes of transferring to the new relaxed atmosphere in DR 5, and as a side benefit maybe feel a few blades of grass on his soles and get some morning dew between his toes.

Through some vein of misinformation, Esparza became convinced that Duke Palmer was responsible for taking a coveted Honor Block spot that Greg felt he deserved. Esparza felt wronged and revenge was not only in order, but required to maintain his reputation. But Greg was savvy and wanted to keep his record clean, especially with a potential Honor Block cell on the line. So Esparza had another inmate – Derrick Evans – work on completely removing Palmer from Death Row.

“I had good friends in the honor Block like [Da'rryl] Durr that were pulling for me,” said Duke. “I think that’s what made Esparza mad and why he had Evans come after me. He thinks I took his spot.”

Palmer had arrived on Death Row in November of 1989, so he could sense when trouble was brewing. One morning he found himself locked in the rec cage with just Evans – Esparza’s henchman – and he sensed danger. “He hit me from behind and knocked me out,” said Palmer. “I tried to shake it off and fight back, but couldn’t bring myself around. He tried to stab me in the eye with a pencil but missed and got my cheek.”

Palmer pointed to a small scar on his face and a much larger one on the back of his right forearm. “I covered my face and the next stab got me in the arm,” he said. Someone passed Evans a mop through the cage bars and he broke off the handle. “I heard the noise,” Duke said, “and thought ‘He’s gonna run me through with it.’”

At the time of the attack Esparza was the porter on duty, the only one out of his cell, the only one with access to a mop, and the only one with a personal vendetta against Duke.

Palmer was able to fend off Evans and survive, but not without long-range damage. “That was my last fight,” he said. “I spend two weeks in the infirmary. Evans, he’s buck wild crazy and [the method of attack] it’s an assault to your senses.

"Since that attack there’s parts missing from my memory.”
Palmer said the guards just let the fight continue as if they did not hear or see. "They have two big picture windows behind their counter looking right into the rec cage," said Duke. "But they didn’t see anything?”

"You can't be Mother Theresa around here."

Greg Esparza
Interview: 10 July 2001.

Greg claimed no involvement in the attack on Palmer, and said he found it best to keep his nose out of other peoples’ business. He maintains that his biggest challenge is the mental battle he faces from living on Death Row. “That cell can beat you if you let it,” he said. “You have to snatch yourself out of it. I know I’m innocent and that’s what keeps me going.”

Whenever interviewed, regardless of the questions asked, Esparza always turned the conversation onto his innocence. He wanted people to take notice and have someone to take up his cause, like many of the celebrities that support the campaign to free Mumia Abu-Jamal.

As of July of 2011 Mumia was still on Death Row in Pennsylvania. But his campaign has gained international support from top-level politicians, Nobel Lariats, celebrities and politicians enough. Large scale donations have provided Mumia Abu-Jamal with experienced legal counsel and a better-than-average chance at winning his appeals.

Esparza desperately wanted publicity for his case, despite warnings from his attorneys that such actions could be detrimental to his appeals. Angela Miller, the lead attorney in his successful Sixth Circuit appeal, wrote to me once and called twice. She threatened legal action if I continued to interview her client. Greg told her to leave me alone.

Esparza’s federal-level lawyers felt that he had several valid points to appeal, and most were intentional misdeeds by the prosecutor. In Addition, Greg and his defenders were never told that the Toledo police were also investigating brothers Alfredo and Jose Jaso for the robbery and murder. The two had bragged to several people they had committed the killing.

In one of Esparza’s appeals it was revealed that the eyewitness first described the assailant as a white male in his 30s. “In four months there was a complete change of his description to a thick-necked, heavy set Latino,” said Greg. “When I heard the prosecutor withheld that evidence I was really mad. I knew something wasn’t right.”
Esparza was only 20 at the time of his trial; young, angry and brash he had little hopes of receiving justice. “I didn’t give a fuck at the trial,” he said. “I was young and hotheaded and thought it was a lot of bullshit.

“I was poor, Latino and pissed off. I was not expecting justice and thought the deck was stacked against me.

“When I was first sentenced I bucked the system. I was still rough and had no sense of the gravity of my situation. I had a ‘so-what,’ tough-man attitude.”
But the years behind bars brought maturity. “Most of us change for the better,” he said. “I was 21 when I went on the Row. You find a niche, friends and things. In the beginning you don’t take your case serious until it’s almost too late. Then you push your case to find a reason to live.”

In 1999 Esparza’s death sentence was overturned on a technicality. During the guilt phase of the trial Greg was never indicted with a death penalty specification. However, during the sentencing phase the judge gave the jury instructions specific to imposing a death sentence. “Everyone just assumed they had a death penalty indictment against me,” said Esparza.

Greg relished the legal victory, and waited for more than two years to be re-sentenced. He hoped for release because there was no “life without parole” statute at the time of his crime, and he had already served more time than most life sentences. But the prosecutor appealed Esparza’s victory and eventually Greg lost and was re-sentenced to death.

Although greatly disappointed, Esparza did not give up. “I didn’t let it turn my heart against humanity. I’m alright. I refuse to go to bed with a frown on my face. Eventually things will be alright.”

Esparza did retain his smile and sense of humor. Shortly after his bad legal news, at the beginning of an interview in July of 2002 he asked the guard to bring us coffee. Greg made the request with a very serious look on his face, and I was not sure if he was joking with the guard or me. Later I asked if we would ever get that coffee; Greg flashed his little-boy grin and replied, “Service ain’t too good, no tip for him.”

Getting adjusted and learning to live on life on Death Row was not easy. There are tempting pitfalls that offer short-term stress relief like gambling and drugs. Esparza said playing cards is fun and challenging, but the gambling debts do not disappear. Inmates bet with matchsticks, and winnings and debts are settled by swapping commissary dollars. “Gambling is some serious shit in here,” said Esparza. “You can’t file Chapter 11 in prison unless you want somebody to fuck you up.”

Besides the trap of gambling, newer inmates are often targeted as sexual prey. Greg is big, burly, and admits he is not very handsome. “It pays to be ugly in prison,” he said. “Nobody wants to make me their wife.”

Esparza was more open than most of the interviewees about sex on Death Row. Many inmates denied personal involvement in male-on-male sex, but pointed the finger at others. Palmer said, “Most everybody does it, it’s not really taboo in here, just to outsiders. They swear they aren’t gay but those are the ones that usually have ‘a special friend.”
In an interview just prior to Christmas in 2001 I asked Esparza what he wanted Santa Claus to bring him as a gift. Without any hesitation he grinned and said, “I been locked up alone for 20 years; that man comes into my cell I’m giving him the bone.”

Despite his claims of being wrongly imprisoned, innocent and scheduled for execution, Esparza has a remarkably positive outlook on his life. “It ain’t as bad as we think,” he said. “JD and Byrd, those were guys I raised hell with and they’re gone. There must be a reason I’m still here.”

For many years Esparza studied the Bible with a Christian minister, but after the minister passed Greg began working on his spiritual development with a Muslim Imam. He credits the work with both for keeping his spirits up and his thoughts focused on the positive. “I refuse to be depressed,” he said. “I refuse to let them steal my soul.”

However Greg does have his regrets and low moments. A comment from a young corrections officer sent Greg into a bit of depression before our meeting. Esparza lamented and said, “A CO told me, ‘I was three years old when they locked you up.’”

In September of 2001 Greg went to the prison health facilities located at the Ohio State University hospital. He had not been outside of a prison except for his transfer from Lucasville to Mansfield in 1995. Esparza’s brief foray into the outside world had a very strong impact on him. “We were going down the road and I thought, ‘The world is so big, it’s scary, do all these people even know I’m here?’”

On the return trip from the hospital, the guards took Greg on what they called the scenic route and started the drive back to ManCI by heading through downtown Columbus.

Death Row inmates try to not think about what is on the outside. But on Esparza’s medical trip he could not stop himself from wondering about life in the free world; getting so close to the outside world sharpened his taste for freedom.

“I wondered, ‘When’s the next time I’m gonna see all this? Why can’t I just jump on a bus and go?’ It hurt inside,” he said. “I wanted to see the life. I live to be out there, I know it still belongs to me. I was locked down in 1983, but I’m still living in the late 70s.”

During the return trip to the prison the corrections officers passed through a Taco Bell drive through for food. “They ate, but there was none for me,” said Esparza. “You feel like a little kid sitting in the back. Mom and Dad are eating in the front seat while you sit in the back hungry and being punished.”
Esparza held the job of porter during the five years I interviewed him at Mansfield. According to other interviewees, the guards selected Greg for the porter’s job because he can control the other inmates. “They give the porter job to the guys with high sexual appetite,” said Palmer. “The guards open the slots with a key before breakfast, but it’s up to the porter to close it whenever he feels like it. The porter can just walk up and stick his dick through any food slot whenever he wants it.”

Esparza said he got the job because he knows how to keep the inmates in line. “It’s a hard job,” Said Greg. “I gotta deal with all of these guys, but it keeps the guards away from it, so they like that.”

The porter has immense power. Anything that passes from cell to cell must go through the porter. Newspapers, cookies, legal documents, hot water for coffee, drugs, sex magazines or information: all must be transferred cell-to-cell by the porter and he usually exacts a price for the service.

In addition to the power-wielding aspects, sexual advantages and monetary rewards of the porter’s job, as an additional benefit of the work assignment Esparza gets to experience a taste of freedom. As porter Greg is limited to a very small corner of Death Row, but that taste of liberty can be oh-so-sweet. After spending 20 years locked in an 80 square foot cell, the feeling of roaming the small hallway of the pod area is almost exhilarating,
“I’m out of my cell for six hours a day, seven days a week,” said Greg. “And if you’re okay with the guards they’ll leave you out for two to three hours instead of the one hour of rec time. It’s just easier for them, less shuffling around.”

The process of transferring inmates from their cells to the rec cage or to a job assignment is a very complicated and painstaking procedure. Inmates have to be cuffed to a belly chain before leaving their cells, and then they are shackled at the ankles and the ankle and wrist cuffs are chained and padlocked together. If the guards follow the procedure according to regulations, it takes about five to 10 minutes to properly secure and restrain a Death Row inmate for any move.

Chains and shackles protect the guards, but inmate safety is also a big issue during transport. A cuffed and shackled inmate cannot defend himself against attack, so they are moved through open areas one at a time, and any bystanders must be confined prior to the move. Once a Death Row inmate arrives at the destination, shackles and cuffs can be removed.

Moving a small group of inmates to the rec cage requires applying complete restraint systems and performing six individual transports. It can take almost an hour to assemble a small group of inmates for basketball or some other form of recreation. Seasoned guards often find ways to circumvent the rules and ease the tedious procedures. A cooperative inmate makes life easier for the guards, and prisoners are rewarded with special privileges as guards will often turn a blind eye towards rules infractions.

Just like when Esparza lived in a group home in his youth and won privileges for beating other kids into submission, on Death Row Greg was given a position of authority because he made life easy for those in charge. The Corrections Officers gave him the job of porter and granted him special favors – in the form of ignoring many of his rule-breaking behaviors – because Greg kept the other inmates in line. It did not matter if Esparza used his little-boy charm, intimidation, brute force, or manipulation and extortion: as long as his pod stayed quiet and trouble free he was on easy street.

The duties for a Death Row guard are different than the responsibilities of COs that working in general population. The Death Row Corrections Officers do not stroll the range like they would in a general population institution: they stay out of the cell areas and avoid contact with inmates as much as possible. On Death Row the pod territory belongs to the inmates.

“Inside here we deal with the troublemakers so the guards don’t have to come down on all of us,” said Esparza. “We try to approach them and talk reason to them. If not then there’s gotta be some gentle persuasion.”
Greg leaned back in his chair and flashed his little-boy smile, then leaned way forward, looked right and left as if he was about to reveal a big secret and softly said, “You know, time for the velvet hammer to come down on them. The COs don’t want any trouble on their shift, and WE don’t want any trouble on their shift either.”

Esparza liked to compare Death Row to an outside community, as if to show there was some normalcy in the lives of the condemned. “Prison is a community,” he said. “Death Row is its own community within that prison community. There’s the good, the bad, and the ugly.”

Esparza felt that Death Row inmates were more insulated and much further removed from the outside world. He was right; many of them seemed to completely lose touch with the outside. Death Row inmates are already facing the maximum punishment, so most inmates are not influenced by the thought of additional penalties for bad behavior; punishment is just not an effective method of discipline on Death Row. Corrections Officers had better luck keeping order with carrot-and-stick methods than by using threats or penalties. “We’re more maintained by favoritism with the guards,” said Esparza.

But the prospect of keeping in good with the guards can bring out the worst in some inmates. “Some people just left honesty parked at the door when they came in here,” said Greg. “There’s the corrupt ones, the players, they’ll snitch, suck up and tell lies to get in good. Being corrupt pays, it gets you advancement. It’s just the way the system works in here. You can’t get along any other way. To advance and get a decent job you have to be crooked with the guards and give them the information they want.”

Greg felt that prison employees often advanced their own careers based on false information provided by “snitches” that passed lies in order to get ahead. For example, according to Greg a “snitch” might tip guards about a supposed, planned stabbing. Despite the lack of concrete evidence and only hearsay testimony, potentially offending inmates can be written up, disciplined and spend time in the “hole” for a crime they had never considered.

However the snitch would have advanced within the system and the guards would be commended for preventing an attack. “The administration uses us to advance their own careers,” said Esparza. “It’s an abnormal situation in here and guys try to make sense of it. Your mind just doesn’t want to grab onto it.”

Inmates can and will do anything to survive, and in a world where all have received the maximum of punishments there is little that can be used as a deterrent for illegal or dangerous behavior. No one even bats an eye at fights and stabbings and inmates are not too disconcerted with killings. The most common form of treachery is intimidation, which usually includes the threat of eventual painful violence.
Newer inmates are easy prey and fair game. Esparza and some of the other old-timers will occasionally help out a new inmate and show him the ropes. Sometimes it is done out of the goodness of heart, but sometimes it can be a matter of exacting a price for protection. That price can come in the form of money, sex, cigarettes, favors or carrying out orders for almost anything imaginable.

“If you come in here being new and naive, you’ll wind up being Victoria’s Secret,” said Esparza. “You just can’t walk off from it.” Greg has his cute smile and behaviors, but for the most part is not a very handsome man, which he felt was beneficial during his early days on Death Row. “I don’t look like Jennifer Lopez,” he said, “and thank God for that, ‘cuz nobody wants me.”

"How’s your Mom? Is she still single? Tell her I’m available."

Greg Esparza
Phone call: 10 May, 2006

Other than the location, much about Death Row remains unchanged year after year, except for the residents.

The newer inmates that arrived after 1996 will be executed earlier than Esparza because of changes in the appeal system for capital crimes. “The new guys will not see 18 years,” he said. “I tell them to get a law book and get busy, or else they’ll be sitting there doe-eyed at their execution wondering how it got here so fast.”

But Esparza felt that there was a difference in the recent incoming inmates. “The new ones are more in-your-face about things,” he said. “The young ones are too hard-headed for reality. They got no guts to fight the system.”

Greg believed there was a definite difference between the old-timers and the newer inmates, and wondered if that dissimilarity was because of crack addiction. “Some of us older guys fought hard to get things for us like better rec and stuff. But these young ones are in denial of their situation. They screw around and get involved in drugs and gambling, and after five or six years they wake up and it’s too late, they’re out of time and they got a date.”

Esparza heeds his own advice and has been diligently working on his legal appeals for many years. Not all of the public defense attorneys assigned to state and federal appeals will respond to inmate requests and suggestions. Greg considered himself fortunate that he has a good, attentive legal team. Greg said, “I finally got attorneys that believe in me, they believe in my issues.”
Greg continually and adamantly claimed he was not guilty and it was important to him to have attorney’s that believed in his innocence. In August of 1999 his lead attorney called with the news that the Sixth Circuit Court of Appeals had overturned his death sentence.

After breaking the good news by phone, his attorney said, “You don’t sound happy.”

Esparza replied, “Not really, because I did not do this crime.”

The Sixth Circuit ordered that Esparza go back to court to redo the sentencing phase.

The most likely outcome would have been receiving a life sentence. In July of 2002 Greg had almost already served 20 years, the time at which he would have been eligible for parole.

Esparza said, “If I get to the parole board and I have to admit to this crime to get out, I’ll stay in jail. I won’t be-little myself for them.”

Death Row inmates have more hope than anyone in the outside world, often clinging to long-shot chances as an inspiration to keep getting up in the morning. Yet they rarely let themselves think of living on the outside because it has a way of making the cell too small and the bars too strong.

The prosecution appealed Greg’s favorable decision to the Sixth Circuit, but the court again ruled in Esparza’s favor. He had high hopes of going home to Toledo in the near future to be resentedenced, and described his 20 years on Death Row as a round-trip tour of Ohio. “I went from Toledo, to O.P. [the intake and orientation center south of Columbus] to Lucasville in the south, back upstate to Mansfield,” he said. “And now I’m about to finish the trip and go back to Toledo for sentencing.

"I want to delay it a few days so I can get up in the morning, have a cup of coffee and a smoke and look out over the city."
“After all my struggles I’m back and so many thought I’d never be back standing on two feet. I thought I’d just come back in a box, I thought I’d never return to Toledo on two feet.”

Esparza’s good news lasted about two years. The U.S. Supreme Court overturned the Sixth Circuit’s decision and reinstated Greg’s death sentence. He was very disappointed but still did not give up hope. He said, “When I got here they gave me a six-year calendar, and I thought ‘Shit I won’t need this, they’re gonna kill me in two or three years.’” Greg leaned back in his chair, pulled his belly chain up so he could wipe his brow, flashed a pleased smile and continued, “By now I’ve had three or four of them motherfuckers.”

Greg was also on Death Row long enough to see quite a few leave for Lucasville to be executed. [Executions are performed at the death chamber in Lucasville.] Since his arrival on Death Row in May of 1984, Ohio has executed 26 inmates [as of the date of interview on 7 Dec. 2001]. Eight of those were volunteers – men who opted for early execution – but many off the others had been Greg’s close friends.

Esparza was very frank and open when discussing executions. To many outsiders the Death Penalty seems an aberration, but to Greg it was a normal part of everyday life. In July of 2001 Greg said that any out-of-cell movement was restricted on the entire Row during an execution; two days before and after, no one was allowed out of their cells for any reason. “They lock down the entire Row,” he said, “even though the execution is 300 miles away.”

Two weeks before an execution the condemned inmate is transferred to the isolation block. The cells are similar in size except that showering facilities are not located in the individual cell, but at the end of the range. Any inmate serving punishment time in “the hole” is also kept in the same row of cells.

“They move you to DR 5 after you get a date,” said Esparza in September of 2002. Greg had been doing time in DR 5 for a rules infraction and was celled near Robert Buell and Gregory Lott, two men who were awaiting execution. Both of Greg’s neighbors had less than 14 days to live. “When you get close they remove you from population, it’s like a death cell. I was next to Lott after he got his last date. He was saying, ‘I’m a dead man’ and he wasn’t himself.

“His eyes were hollow; there was no life in them. I told him to just pray. I’d go to shave and see a man who had only two weeks to live.”

Robert Buell, Greg’s other neighbor, was also marking his last days. “Buell wasn’t himself,” said Greg. “I just said ‘pray,’ but he kept saying, ‘I’m dead.’” [Robert Buell was
Esparza believed that some sort of spiritual development was essential to help inmates get through the many impending dates and actual execution. "Lott, he's just on hold or something," said Greg. "Many people find religion in prison. You gotta have some way to better yourself, like the Aryans or Muslims or something."

Esparza has had a number of potential execution dates. Most are assigned after an appeal fails, but are stayed when the next appeal is filed. "I've had four or five dates," he said in June of 2001. "The last one was September 10 of '96.

"I got within a week and got a stay. They give you forms to fill out and ask you how you want to die."

Some choose a method of death that they felt would make a statement. In Ohio, inmates used to be able to select between death by lethal injection or the electric chair. "Byrd volunteered for the electric chair," said Esparza. "He wanted to go out 'In their face.'" Eventually Ohio stopped using the electric chair and currently executes solely by lethal injection.

Greg did not have much of a family life as a child, but he maintained contact with one brother who lived in Toledo, and occasionally heard from his sister and ex-wife. Greg was married and had a one-year-old son at the time of his arrest. "I haven't held my boy since he was one," said Greg. "He visited here a couple times, but that's just not the same."

Visitors to Death Row meet the inmates in separated rooms that are divided by a one-inch thick glass wall. There are no holes or portals through the glass; communication is by telephone and calls are monitored. Although visitors are kept apart by the glass wall, inmates are still restrained by shackles and cuffs. On many prison television shows, inmates are pictured pressing a hand against the glass as if to touch their visitor. But on Ohio's Death Row – with hands cuffed to a belly chain and shackled ankles padlocked to the floor – it is impossible to touch hands through the glass.

The chains that connect the handcuffs to the belly chain are about eight inches long, making most everyday movements uncomfortable and cumbersome. Inmates learn to raise and lower the chain from their waist to chest level to complete simple tasks like signing forms or smoking a cigarette. But actions that outsiders take for granted are nearly impossible with the Death Row restrain systems.

With only eight inches of reach, it was a real struggle for inmates Jerry Hessler, Frances Anne Spisak and Duke Palmer to push up their ill-fitting, state-issued eyeglasses when they slid down their nose.
A year or so after I began interviewing I had developed a level of trust with the Corrections Officers and they allowed me to purchase soft drinks and candy bars from vending machines that were located in the hallway at the crossroads-style junction of four hallways leading to the different Death Row pods. I took the snack food and soft drinks to the interviews as a treat for the men.

I did not realize that the security chains made it nearly impossible to drink a bottle of Pepsi. Even though all but one of the inmates had not had a soft drink since being arrested, after a few contorted and frustrated attempts of raising the bottle to their mouth, most of them gave up trying to drink.

But even with the high level of chains and restraints, Esparza could still look intimidating and could still strike fear in anyone’s heart. The interview room was eight by 10 feet and jointly used as storage for cases of saltine crackers, napkins, Styrofoam cups and occasionally stacks of “two-four boxes.” Two-four boxes were steel trunks used by inmates for storage of personal items [trunks were lockable and were 2.4 cubic feet in size]. Death Row prisoners had a limit of two per cell, but could get more if they were “favored.”

Anytime inmates moved on or off the row, two-four boxes showed up in the corner of the interview room. It signaled that either: someone had recently been sentenced and was on the way; someone had been pardoned or resentenced and were leaving, or; another inmate had been executed. Whatever the reason, if there was a stack of two-by-four steel trunks in the corner of the interview room, the mood of the interviews was somber.

In February of 2006 Greg talked about his latest legal appeal. Greg had lost in Federal Supreme Court and his death sentence was reinstated. He was feeling down for a while, but then picked himself up and forged ahead with a new set of attorneys. The newest attorneys wanted to file an appeal based on an “Atkins claim.”

In the Federal case *Atkins verses Virginia*, the Supreme Court ruled six to three that executing the mentally retarded violates the Eighth Amendment’s ban on cruel and unusual punishment. Esparza's attorneys claimed that Greg had brain damage resulting from a head injury he received in an automobile accident. When Esparza’s death sentence had been reinstated, the Supreme Court had noted that he had several other appealable issues. Esparza's new attorneys told him that the *Atkin's* appeal would delay any progress on his other issues, but that he would be forging new ground for those who came after him.

Esparza chose to follow the *Atkin’s* route. It is hard to say if he really wanted to forge new legal pathways or just buy more time and delay his execution. It seemed strange but a few years earlier he had received a fairly low score on a GED exam. His attorney
at the time wanted Greg to file a claim that his low IQ qualified him as mentally retarded and therefore ineligible for execution.

Greg flatly refused that legal tack; at the time his pride was such that he would rather have been executed than be classified as retarded. But when an attorney suggested a head injury as basis for an Atkins suit, Greg felt he could go along.

Esparza has always has declared himself innocent of the murder and there is a credible amount of evidence to support his claim.

Depending on the situation, Esparza can be instantly charming or tremendously viscous. His childhood of orphanages, group and foster homes and 27-plus years on Death Row [as of July of 2011] turned him into an optimistic yet brutal survivor. Death Row has become a long-term and most likely permanent way of life.

Death Row inmates hope for release; but for reasons of mental survival they do not plan on rejoining life on the outside. On Death Row it is tortuous to think about life beyond the pods, so they avoid thoughts of a different life.

Death Row inmates adapt to their environment gradually over a period of time. Standard inmates in general population prison spend their days anticipating eventual release, but the men on Ohio’s Death Row will not get a few years off their sentence for good behavior and be set free. Death Row is much more than just prison for the residents, it is a one-way, life-long existence: it becomes their home, life, culture, reality and their eventual end.

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1 "Listing of Ohio Death Row Inmates."
3 Letter to author from Greg Esparza with accompanying photographs; date unknown.
4 Phone call to Greg Morrow; 13 July 2003.
6 Phone call to author from Greg Esparza; 13 Nov. 2003.
7 Phone call to author from Donald Palmer; 9 Oct. 2006.
8 Interview with Greg Esparza; 3 June 2001.
11 Interview with Greg Esparza; 31 June 2001.
13 Cunningham and Vigen (203).
14 Interview with Greg Esparza; 3 June 2001.
16 Interview with Greg Esparza; 31 June 2001.
Abu-Jamal. Despite credible evidence of innocence, Mumia Abu-Jamal was convicted and sentenced in 1981 for the murder of a Philadelphia police officer. He has become a controversial cultural icon due to publicity and intense opposition to his conviction and sentence. Mumia is still on Death Row in Pennsylvania as of 8 Aug. 2011.
Living on Ohio’s Death Row: Chapter Six
DOB: 11 Feb. 1963
Arrived Death Row: 1 Nov. 1989

**County:** Belmont

**Summary of Crime:** Donald “Duke” Palmer was convicted of a double homicide that occurred on 8 May 1989. Palmer and an accomplice were involved in an automobile accident with a pickup truck driven by Charles Spoonhaltz on County Road 2 in Belmont County, Ohio. An altercation followed the accident, during which Palmer shot and killed Spoonhaltz and also murdered Steven Vargo, a passing motorist who stopped at the scene and got out of his car.¹

Palmer admitted to the killings and has repeatedly expressed great remorse. Duke believes that the murders did not constitute a capital crime and he should not have received the death penalty. However, after 18 years on death row he seriously considered discontinuing all appeals and proceeding with his execution.

As a researcher, when I began this project I felt I should maintain a professional and objective distance from my subjects. In certain situations qualitative researchers find themselves close to the people they are studying. I attempted to maintain a professional distance from the men on Ohio’s Death Row, but as I grew to know them I found I was getting very close.
With Duke Palmer I grew more than just close; unexpectedly he became my best friend. Maybe it was his blunt honesty: Duke was the first one to open up about his crimes, and the only one to disclose personal details like the fact that he had repeated nightmares about the killings. Or maybe it was his intellect and humor, or many other attributes that made him stand out from the rest of the men on Ohio’s Death Row.

Duke was uneducated but extremely brilliant. He was never at a loss for words, lightning quick with a joke, retort or answer and at all times was brutally frank.

I had to make a difficult decision when Duke contemplated dropping his federal appeals and proceeding with his execution: as his friend I felt I should support his decision and offered to attend his execution if he wanted a companion in attendance. On the other hand I did not want to see him go, at least not any earlier than necessary.

Palmer was a different sort of Death Row inmate and he had a different view of his crime than the others.

"In here there is no such thing as diplomacy; you can’t negotiate with social retards.”

Donald Palmer
Interview: 9 July, 2002

Two years after our initial meeting Duke trusted me enough to open up about the killings during an interview in July of 2003. When the guards brought him for the interview, I sensed his approach by the sounds. On Death Row there was an almost constant clinking of chains that echoed down throughout the hallways, a resonance of stainless steel links on linoleum-covered thick concrete floors.²

I could always tell when Duke was being escorted to the interview room: his shackles and chains always sounded a little different from the rest. The clink of Palmer's chains had a distinctive, slightly higher pitch. They were the same chains worn by everyone else wore, but on Duke the clink-clinkity-clinks sounded happy.

The corrections officers’ vocabulary is forever peppered with profanity. Much more than the inmates, the COs sentences were filled with “fucking” and “shit,” and they carried on conversations as if the inmates were not present. The guards rarely spoke to the prisoners, and when moving inmates throughout the pods, the COs appeared totally jaded as if they were moving irresponsible chattel or worthless livestock.
Duke and I had been discussing homosexual rape and other acts of force and violence on Death Row when he abruptly changed the subject. Palmer said, “I don’t think, I just react. That’s why I’m in prison. I shot him again and again.” He then described the details of the crime in vivid recall, as if it had just happened.

Palmer was not proud or boastful when he described his feelings surrounding that day’s horrible, unanticipated outcome.

Duke had spent the day of 8 May 1989 driving around back roads near Martin’s Ferry, Ohio in a pickup truck drinking Southern Comfort and firing a cheap single-shot, pistol. He had mistakenly left some cocaine at home, so he was drinking a little extra to compensate. Duke spent most of the afternoon cocking and firing the cheap handgun at stop signs, telephone poles, road signs and other inanimate objects while his brother-in-law Eddie Mills drove the car.

It was single-action revolver, the kind that must be cocked by pulling the hammer back before squeezing the trigger to fire. After almost a fifth of whiskey and a box of shells, cocking that handgun became second nature as the afternoon wore on.

Eddie had an accident, hitting another car. The other driver got out and started a fight with Eddie. Duke went to defend his brother-in-law and the driver swung at Palmer. Duke said he was holding the cocked pistol in his right hand, got punched and took a drunken swing back at the driver, unaware that he still held the cocked pistol. Duke said he was drunkenly oblivious to the pistol in his hand when he swung his right arm, intending to punch back.

Palmer said that – instead of his fist – the gun hit the man and discharged. Drunk and totally freaked out, as the man fell towards Duke he claimed that he acted out of panic and without thought. He cocked and fired again, hitting the already dead man in the forehead.

“After I shot him he fell back against me and I looked right into his eyes,” said Palmer. “I have vivid recall of that look in his eyes, really vivid.”

Palmer said, “He was dead before I saw his face. I thought, ‘I can’t do anything about it now, I can’t change it.’”

Palmer looked right into his victim’s eyes. He said, “I thought, ‘They don’t look dead,’ and then I said ‘What the hell?’”

Duke does not remember much of what happened that day, only a few bits and pieces poked through the alcoholic blackout and are sharply emblazoned on his memory. “We loaded the guy into the back of the pickup,” he said. “I had blood all over me. For four to eight days after it happened, I only have pieces of memory.”
Palmer was sitting directly across the table and looked me straight in the eyes while he talked. Duke's body slumped and face portrayed a deep sadness. Palmer had not led an exemplary life, but before the killings he did not have so much as a parking ticket.

"I remember being back in St. Clairesville, then I woke up in Columbus and . . . Eddie kept telling me over and over how it happened. But I didn't remember," said Palmer.

"I remember his eyes, the hole in his head, and pushing him away from me, and I remember two shots. Then this other guy pulled up and stopped to see what happened. I backed into the other guy, he scared me and I shot him just on impulse 'cause I was scared, then I shot him again."

Palmer said that Vargo, the second victim, had recognized the truck of Spoonholts, the first victim. Vargo saw the body and stopped to investigate. He angrily approached Duke and Eddie. Duke said the first shot was again impulsive and not planned, just a drunken reaction. "But that second shot, I think I meant to kill him. I should die for that one."

Despite his comment about that fourth bullet, Duke felt that he did not deserve the death penalty. According to Ohio law, to be punishable by execution a murder must be premeditated or planned. The legal wording is "with malice and forethought." 3

There is a major misconception that a premeditated killing is something akin to a Perry Mason murder with lots of treacherous planning over a long period. Duke's single-shot revolver required him to spend a split-second cocking the weapon by pulling the hammer back; only then could the weapon be fired by squeezing the trigger. During Duke's trial the Prosecutor portrayed that split-second required to cock the gun as a mitigating factor. Palmer explained, "He said because I cocked the trigger I had 'formulated a plan prior to acting.'" 4

"I don’t think. . . I just react: that’s why I'm in prison."

Donald "Duke" Palmer
Interview: 13 Sept. 2002

Palmer also swears that evidence was moved after he and Eddie left the murder scene. Photographs of the crime scene indicated to Duke that one of the bodies was relocated further down the road. This seemed a minor detail, but the prosecutor insisted that the distance was a crucial, mitigating factor. The prosecutor surmised that Palmer had ample time to think while he walked the distance between the bodies -- purportedly more than 50 feet -- to reach the second victim and shoot him twice at point blank range.
Palmer does not dispute the killings. He regrets the murders but believed that the true circumstances did not warrant a death sentence.

"I was really out of it," said Palmer. "I was not in control because I was so drunk. That's why I don't do drugs or get high now, I hate being out of control like that. I don't like not being in control."

Palmer was easier to get to know than the other interviewees; he was much more open and did not put up the defensive walls or carry on charades. He was talkative, related with much of my past and was one of the most perceptive people I had ever met. It seems like every time we talked, Duke would say, "I bet you used to do...” or "You were one of those guys that... ."

"I have an intuition, almost like E.S.P. (Extra Sensory Perception)," he said. "It's sort of an extended déjà vu, but instead of just being in the scene I go on through it [ahead in time] for maybe five minutes.

"When we're playing cards I might be able to call the next three cards out of the deck."
Donald Palmer was more introspective than the other men in the study. He looked at things from several different viewpoints, took responsibility for his role in things and did not look for scapegoats.

The day before he was arrested, Palmer went to a small local convenience store with a friend. "An elderly couple was going in at the same time," he said. "I held the door open for them, got a smile and a 'Thank you!'"  

On almost any given day near his home, neighbors recognized Palmer as a 24-year-old hard-working, young father who was handsome, pleasant and polite. His public image changed overnight.

"The first time I went to court, people cowered back against the wall," he wrote, "wide-eyed with fear on their faces. They scrambled to clear a path."

"I can't tell you how awful a feeling it was. Suddenly I wasn't the all-American boy next door." 

Palmer has always accepted responsibility for what happened, and whether drunk, careless or victim of fate he insisted he never intended for anyone to get hurt, much less die. The events leading up to Duke's killings resembled a Coen Brother's movie plot, where everyday people become embroiled in unrelated chains of random events, which begin spinning out of control and eventually intersect. In Joel's and Ethan's films, somehow and somewhere the lives of these unsuspecting characters overlap and the result is always astonishing bad luck, mayhem and death.

Duke's crime, like a Coen brother's film, was an excessive example of being in the wrong place, at the wrong time with the worst possible results.

Over the years I learned that in many ways – thoughts, feelings and actions – Palmer and I had much in common. However he had gained more experience at certain life skills. Palmer had grown up poor and fast, married a stripper, joined the army at 17 and fathered two children. He was a quick learner and adept at living on the fringes of society, tiptoeing around the legal limits of getting by.

Duke was never arrested and never saw the inside of a jail before being locked up for murder at the age of 24. When Palmer hit Death Row he was prepared to protect and defend himself: he was well-schooled in survival.

Duke's biggest immediate challenge upon arrival on Ohio’s Death Row was what he called the “homo press.” He said, “They start off trying to be pals, telling me 'you can
be my friend.’” But when friendship and favors were denied the threat of force came into play.

“I kept telling him I wasn’t interested,” said Palmer. “But then he said, ‘When the shit comes down you’ll be my friend.’” Those threats quickly escalated to, “You’ll be my punk when things get tough.”

“I told him ‘I ain’t no punk,’” said Palmer.

“His reply was, ‘You’ll be my punk, you can’t hold out forever.’

“I thought ‘Oh shit, now I’m gonna have to kill the motherfucker.’ In here there is no such thing as diplomacy; you can’t negotiate with social retards.”

"Unless you're in here you have no idea. I mean, we tell you, and you know, but you can't imagine it."

Donald Palmer

The first time Duke discussed giving up on his appeals and surrendering to execution was during our meeting in September of 2002. The pressure of the environment was wearing on him; he was tired of having to spend his life on the defensive.

"I don't want problems but I always run into the idiots," he said. "Supposedly now I got two new enemies. I'll have to be cold and dead before I let them run it up my ass.

"Homo is different in here. It's usually not sex," he said, "but guys asserting their will over another man."

"I hate having to fight. But in here you have to stand up for yourself or they'll walk all over you just because they can. I'm damn near 40, I'm too old. I've had too many hard shots to the head. After the last fight when Evan's came at me, I spent two weeks in the infirmary; there were all these blank spots in my memory."

Palmer maintained that well-intentioned inmates could not avoid trouble. "When a fight breaks out it's usually a white with a black guy," he said. "They try to punk out the white guys, it's an ego thing. It's status to show their boys.

"If you let them do it to you it's like blood in the ocean and all the sharks circle. If you give in it never ends; you're giving up your manhood and it never ends. If you try and fight them off you can retain some respect. Before they get my ass I'm gonna have to be knocked out. Life here is like that."
The more Palmer discussed his life on Death Row, the more despondent he sounded. The constant need to be defensive, the non-stop back-to-the-wall pressure was getting to him.

On the outside Duke avoided trouble, confrontations and fights. But that changed when he arrived on Death Row. "You don't walk away from it in here," he said. "You just think 'It's time for someone to die.' This is not life.

"They fudged evidence and sent me up the river. I want a new trial or kill me."\(^9\)

It's more than dealing with the sexual intimidation. The incidence of mental illness is fairly high on Death Row.\(^10\) Sometimes dealing with untreated neighbors can be frustrating.

A new arrival was celled just above Palmer. "He's not right, he's flushing his toilet all night every night," he said. After a week of all night flushing, Palmer counted: 63 flushes between 4 and 8 a.m.\(^11\)

"I told him it was making me crazy," said Duke, "that it would make me go off. I would forget my anger management [techniques]."

"In here, being stupid is bad. Being dumb is another, but putting them both together is dangerous. This kid is dangerous."

Palmer insisted that it could not be handled in an appropriate manner. He spoke to the over-flushing inmate in an effort to dissuade the behavior: no luck. Palmer spoke to the Duty Officer and filed a formal complaint: nothing changed.

"I had no choice, I had to handle it myself. I had to threaten him," he said. "And if that didn't work I'd have to back up the threat or everyone would walk on me after that."

Other inmates confirmed Palmer's position that the COs preferred the inmates to handle conflicts on their own. In addition, if Duke did not enforce and defend his position, he would be viewed as weak and subject to attempts at subjugation.

"I hate this shit," said Palmer. "My head's had so many hard knocks I know it's affecting me, but there's no way out of it.

"You just get pushed to the point that one day you say, 'Fuck it. I'm gonna have to kill him. If they put another case on me, so what?'"

"I try to be calm and just relax until they kill me."

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"Personally I think they're socially retarded but I can't walk away from shit in here, they just keep pushing. They know at some point I'll blow, shit will start flying and I'll start swinging.

"Unless you're in here you have no idea. I mean, we tell you, and you know, but you can't imagine it.

"Sometimes you have no choice.

"I try to get right with God. I cuss all the time. I never did before, but that's what happens here, it's how you live. I never wanted my actions to be like this, to mimic these people. I try to be above the bullshit . . . you try to act civilized but you can't.

"Another sentence can't hurt me anymore. I just don't want to stand in front of God and say, 'Yeah I killed him too. Yep, I killed another one.'

Although Duke has had tough times, fights, attacks and constant intimidation from neighbors, he does have several close friends. Duke does not fit the mold of inmates portrayed in television shows or movies. He openly discusses feelings and has long-running close, positive relationships with fellow inmates.

In the last few days before inmates leave Death Row and head to Lucasville to be executed, they often give away their property to friends. At ManCI, the inmates were locked in single cells and usually could not exchange face-to-face goodbyes.

In October of 2005 Palmer and his close friends were moved to the new Death Row in at Ohio State Penitentiary (OSP) in Youngstown. At OSP their cells doors were regularly open and inmates were allowed to congregate. They had frequent one-on-one and group contact: longtime friendships grew even closer. Palmer talked about how tough it was to watch a 20-year friend leave for his execution.

When Jason Getsy left for Lucasville to be executed in August of 2009, he dispersed his few pieces of personal property to his three closest friends in the pod. He left his towels to Palmer and his radio, television, and Bible to two others. "We all got to hug him when he left,” said Palmer. "We were all crying; there was none of that macho bullshit going on. It hurt.”

Besides his Death Row relationships, Duke had established some close friendships by mail with a number of women – many of them married – who lived on the outside. The women considered Duke to be smart, compassionate, open and honest.
Most important of all to the married ladies, Duke was safe: they could confide in a man outside of their marriage, even develop deep feelings for him, yet there was no chance of things going too far and interfering with their marriage.\(^\text{12}\)

“I fix women,” Palmer said, “like the line in the James Taylor song that says, ‘I fix broken hearts, I’m your handyman.’ They write me about problems with their marriages and home life.”\(^\text{13}\)

In 2002 Palmer introduced two of his pen pals to each other, and both would up writing to me about their relationships they had with Duke and with each other. Wanda wrote, “He’s my therapist, my best friend, my confidant, a pen pal — and I trust him. Duke will be with me until he either gets sick of me or time runs out on either one of us.”\(^\text{14}\)

The women found Duke through his listings on different inmate pen pal web sites. He also had been through several “love” relationships with outside women: the most volatile was Twila.

Twila had a past history of sexual abuse and had been “dating” two different Death Row inmates before latching onto Duke. “She dated a guy on Death Row in Florida,” said Duke, “then broke up with him to date Jason.\(^\text{15}\) Then she dumped Jason to hook up with me.”

In some states Death Row inmates are permitted “contact visits” where physical touching is permitted. During visits at Ohio Death Row in Mansfield inmates are cuffed and shackled, separated by one-inch thick reinforced glass, and must speak to visitors via telephone.

The announcement to relocate inmates to OSP sparked fierce competition to earn transfers. Eventually it was announced that only those with good conduct reports would be moved, but the end results were a little different. A month after the transfers were
completed the only people still at the ManCI Death Row facility were prisoners with a documented mental illness.

At OSP Death Row inmates visit in a series of booths, most of which have 24 by six-inch hole cut through the Lexan window. Visitors can pass food or photos through the opening, and as well as touch and hold hands.

Twila was hell on wheels with Duke’s heart. She was attractive, provocative and had worked as a stripper when she was younger. Twila gave up dancing, but maintained her knock-out figure and – just like when she was a dancer – used subtle body movements that could melt any man’s heart.

Twila sent Duke seductive photos, fawned over him, talked of marriage and a future together and started a petition for contact visits in hopes of having sex. Duke was a happy man, but Twila’s phone calls, letters and visits had a detrimental effect: they ignited Duke’s longing for life on the outside, a self-destructive behavior he had purposely avoided for years. According to Palmer, thinking of a new life beyond the bars was emotionally dangerous because he always ended up with shattered dreams and a severely painful broken heart.

But in some way Twila was different and Duke let himself fall in love. Then – without warning, when things got a little too close for her – Twila dumped Duke for yet another Death Row inmate in a different state. Duke said he felt, “Chewed up and spit out.”
Soon after Twila, a second woman named Wanda began writing Duke. Once again it developed into a romantic relationship and his head drifted to the outside and hopes of a new marriage. Wanda helped Duke amass funds for an investigator to gather evidence for his appeals, but the plan flopped. Once Wanda realized that her life with Duke would probably end with his execution, she ended the relationship.

The end of the love affair with Wanda devastated Palmer. Through a pen pal Palmer had maintained a blog about his life on Death Row. He eventually posted on the site that he had decided to end all relationships with outsiders and focus only on his art and life on Death Row. The biggest change was that Palmer seriously considered dropping his federal-level appeals and proceeding with his execution.

Palmer’s determined spirit eventually kicked in and he rebounded from the depression. He began working out, received a long-needed and requested knee repair and got back in top physical shape. He decided to proceed with his appeals. In a letter of February 2008 he wrote, “No I’m not gonna give up, I’m gonna make ‘em go the whole nine yards to get me.”

In the years I knew him, Palmer had always maintained a relationship with his God. He was one of the few practicing Catholics on Death Row and knew Bible verses well enough to match scripture wits with anyone. However, Duke’s faith seemed to be a sort of compartmentalized segment of his life: it did not appear to influence his behavior when it came to gambling, cussing and his favorite recipe for hootch [home-made prison wine brewed from raisins].

"I can't walk away from shit in here, they just keep pushing. They know at some point I'll blow, shit will start flying and I'll start swinging . . . Another sentence can't hurt me anymore. I just don't want to stand in front of God and say, 'Yeah I killed him too. Yep, I killed another one."

_Duke Palmer  
_**Interview: 13 Sept. 2002**_

During his post-Wanda resurrection, Duke’s faith underwent a major overhaul. During a particular vivid dream Palmer believed he was being pursued by Satan. Just as he was about to be caught, Duke heard God say, “Leave him alone. He is mine.” Palmer said the clarity and power of that dream changed his life. He told me, “From that moment on I’ve never been afraid to die.”

Despite his knowledge of scripture, it seemed that most of the time Palmer’s faith was something he kept on a mental bookshelf and – like a dictionary – pulled it down and
dusted it off whenever needed. But in 2008 Duke's spiritual beliefs underwent a major transition.

I experienced life on Death Row from the fringes, for at most eight hours at a time in a conference room. I never lived there; my exposure was minuscule, but it was the most depressing environment I have experienced. After his religious transformation, Duke was no longer just talking about his religion: he lived it.

Palmer became immersed in the study of the Bible and worked daily at strengthening his faith. Duke's faith grew exponentially: his beliefs were a source of relief to him and those who were close. For the first time since I met him, he smiled and laughed like a truly happy man.

Duke’s new-found beliefs were the cornerstone for a better, more fulfilled life. Palmer said that in the past he had tried to bury his loneliness and problems with self-indulgence. But not anymore: Donald "Duke" Palmer wanted his new life to be an example for others, so they too could find a purpose, a reason to stay alive.17

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1 "Listing of Ohio Death Row Inmates."
2 Interview with Donald Palmer; 11 July 2003.
3 "2929.04 Death Penalty or Imprisonment: Aggravating and Mitigating Circumstances."
5 Interview with Donald Palmer; 21 Nov. 2002.
6 Letter to author from Donald Palmer; 13 Sept. 2002.
7 Interview with Donald Palmer; 9 July 2002.
8 Interview with Donald Palmer; 7 July 2003.
9 Interview with Donald Palmer; 13 Sept. 2002.
10 "Mental Illness on Death Row."
11 Interview with Donald Palmer; 13 Sept. 2002.
12 A printed block of emails between Wanda and Cris (two of Duke's pen pals) that were mailed to author by Palmer; 9 Sept. 2002.
13 Interview with Donald Palmer; 9 July 2001.
14 Quote from the emails between Wanda and Cris; 9 Sept. 2002.
15 Jason Getsy was a younger DR inmate Palmer took under his wing.
16 Interview with Donald Palmer; 22 Nov. 2002.
17 Interview with Donald Palmer at OSP, Youngtown; 12 May 2006.
Living on Ohio’s Death Row: Chapter Seven
Ronald Ray Post: Very Stupid, Very Smart or Very Lucky?
DOB: 1 Aug. 1959
Arrived Death Row: 13 Mar. 1985

County: Lorain

Summary of Crime: Ronald Ray Post was convicted of murdering 53-year-old Helen Vantz on 15 Dec. 1983. Vantz was the desk clerk at the Slumber Inn in Elyria, OH. Post was convicted of shooting Mrs. Vantz twice in the side of the head and stealing various items, including Mrs. Vantz’s purse and a bank deposit bag. The total cash taken from both Vantz and the motel was $101. Post was questioned by Elyria police detectives several times and eventually signed a confession two months after the killing. He waived his right to a jury trial and opted to enter a plea of “no contest” to a three-judge panel.¹

When I first saw Ronald Ray Post through a large plate glass security window, he appeared to be a big man. A few weeks later when I met him face to face, I knew he was much more than “big.” Post was close to huge.

Post was almost to 6 feet 4 inches tall and the last time we met in person, a guard estimated Ronald’s weight as “close to 350.” Post slowly and continually gained over the years, and despite that the increase was exacerbated by diet, lack of exercise, double helpings at most meals and psychotropic medications, he was big, wide, heavy and solid.

Although his gate was hampered by security chains and leg shackles, Post’s movement appeared fluid. There was no kind of “clomp, clomp, clomp” that you would expect to
hear from a 300-pound plus-sized man walking in State-issued high-top, construction-style, black-leather, lace-up boots with hard soles.

When Post approached the interview room, he seemed to glide like he was on rails. Nothing jiggled, bounced or moved. He came in the room like a graceful, smooth-moving rhino without the horn. He was quiet, cordial, polite and charming. As soon as the guards padlocked him to the floor and moved the conference table back in place between us, Ron drummed his fingers on the table three times. He looked up, smiled and initiated the conversation with an innocuous but disarming pleasantry.²

He said, “How was your drive?”

I replied that it was a long drive with not much scenery other than but cornfields between Cincinnati and Mansfield.

After a little smile and gentle nod, Ron continued with a little flattery. He said, “Nice looking shirt you’re wearing. Did your wife give you that for Valentine’s Day?”

I had been conducting interviews professionally for almost ten years. Ronald Ray Post, had been on Death Row since age 24, and without my knowledge he had taken control of the conversation in less than five minutes. In addition, I was completely unaware and fully at ease while he did it.

With some of the inmates, control of the interview was a silent but continual battle to be in command. With Post, it was just a game and when he tired of it he let go. Unlike the others, there was no dance of triumph or victory lap in the form of a knowing, intimidating glance. Ron surprised me at the first interview, and it would happen in various ways again and again and again.

Post was at constantly at odds with any and all corrections officers. He had never been violent towards staff but the COs handled him in a fashion different from anyone else that I interviewed. I always paid attention to the methods and moods of the COs as they escorted the various inmates to our meeting room.

When the COs brought Greg Esparza or Jerry Hessler to visit with me, they were defensive, cautious and went by the book every step of the way. Most of the time Esparza was jovial and silly, but he ran his pod with violence and fear, had a reputation to uphold and like many other tough kids he had grown up without fear of retribution.

During one interview when Greg was in a benevolent mood, he explained how his life of survival changed after he came to Death Row. He also taught me who I should and should not be afraid of, and when and how to tell. Then he ended the visit with his
little-boy silly giggle and said that some of the inmates and guards didn’t understand
that “you just don’t wanna fuck with a man that’s got nuthin’ to live for.”

That statement and his innocent little-boy grin combined to send chills both up and
down my spine. That day was followed by one of the many sleepless nights I struggled
through after particularly vivid interviews.

On the other hand, the COs always kept their distance from Jerry Hessler: they treated
him like a hand grenade without a pin. They were afraid of Jerry because on November
19th in 1995 he set out on a revenge-inspired mass killing and methodically made it
halfway through his hit list of nine. But Jerry was not prone to instantaneous and
unprovoked violent outbursts; most of the time he was calm, polite and controlled.

Hessler had planned his violence with military precision and then executed as close to
plan as possible. During his trial he reviewed and evaluated his prior mission and wrote
the results on the wall of the courtroom holding cell. I knew how Jerry acted when he
was preparing to kill: he told me. On one occasion a new, young, smart-ass guard was
acting tough and ridiculing Hessler and I saw the indications he had described. The
experienced COs knew better than to instigate trouble. After the pod door slammed
behind Jerry they warned. "Do you know who you're fuckin' with?"  

The guards never seemed attentive or worried when they transported James Goff,
Donald “Duke” Palmer or Frances Anne Spisak. But the COs always appeared wary
when they brought in Ronald Ray Post.

As I wrote earlier, I decided from the start that I could not be judge and jury; I would
not consider anyone's guilt or innocence or decide over truth and lies. I was there to
learn the culture and would have to accept everyone’s word as truth. If someone told
me an obvious whopper lie, I could challenge the information or confirm it through
someone else, but I would not judge truth.

From the first interview, I never knew how to take Ronald Ray Post. I could never
accurately predict his behaviors or feel fully certain of any decision I made about him. I
could never gauge his honesty or ability, nor ascertain if he lied.

Whether intentional and manipulative or not, I was never quite sure about Ronald Ray
Post. At one time I thought maybe he felt it was advantageous him to keep me on
edge. I spent way too much time trying to gauge him. I felt it best to adhere to my
original premise: I was not there to judge.

When Post was in the company of corrections officers, he usually had a sly, slick-
looking grin on his face. Although his expression showed a tinge of smirk, it was not
really a snide kind of smile, but the guards thought everything he did had “smart ass” all over it. Post had an on-going, long-time feud with any and all authority figures at the prison and for the most part if anyone kept score they knew Post was ahead.

In defense of the COs, Post was an intentional thorn in their side. He was such a pain that he spent a ManCI record of eight months in solitary confinement, even though Federal guidelines put a six-month limit on inmates in isolation. Post was able to sneak a letter out to Attorney General Janet Reno through an advocacy group in Cincinnati. Reno sent an investigator to ManCI and Post was returned to the DR population.4

Bringing in Federal inspectors was a big deal, and there was some retribution: one of the guards reported to his superior (a Sergeant) that Post was "a chronic masturbator" and was observed as he "satisfied himself with a dildo."

Later when the Sergeant confronted him, Post replied, "Whoever said I was satisfied?"

The guards also tossed his cell searching for contraband and broke or seized some of his prized property. A radio was damaged, his State-issue boots were taken because they metal shanks could be used for weapons. "The State gave me those boots," he complained.

During our first and all follow-up meetings, phone calls and letters, Ronald Ray Post often had a deadpan look on his face. It was not a dull expression; he appeared to be calm and biding his time. I felt my impression came partly from his behemoth size, partly because of his look, and partly because he projected the look because it was a tactical advantage to keep the COs off guard.

Although Post did not strike me as highly educated, he was pretty smart, always focused and determined. For a long time at Mansfield he was the prison law librarian and helped many inmates prepare successful appeals.

Post was always filing some sort of lawsuit against the Ohio or Federal corrections systems and won an important case regarding the State’s compliance to Federal recreational standards for inmates. Ron was totalitarian about the smallest of regulations: he seemed proud to be a complete pain-in-the-ass. He was not being obstinate, he and a few other old-timers fought hard for every inch of their rights.

For the most part, Ronald Ray appeared to be fat, slow and stupid. However when Post took action, he moved with the nimble speed of a lanky, quick-witted gazelle. He once mailed me a 30-page court document and asked me to help by making eight copies and delivering the material to a particular clerk, Nancy Barnes, at the Sixth Circuit Court of Appeals in Cincinnati.
I was unaware of Post’s legal reputation, and thought it was some crackpot lawsuit. I was apologetic when I met Ms. Barnes; I told her Post insisted I hand it specifically to her. “He knows what he’s doing” she said. “Ron’s been sending his stuff to me for years.

“He’s very good and very thorough. His typewriter broke last year so he had to write the multiple copies by hand. I help out if I can and I got him an adjustment on the page limit.” I was stunned and felt mentally stunned during the three-block walk back to my truck. This was concrete proof that I had seriously underestimated Ronald Ray Post.5

Ron and inmate Ronald Combs filed a lawsuit over the amount of space in the rec cage. The allotted recreation area at ManCI was below federal standards. "It should be 15 square feet per user," he said. Post and Combs wrote the legal documents up by hand and mailed the suit in 17 envelopes.6

The mailroom limited pages per envelope, "I sent it in 17 envelopes," said Post. "I labeled them one of 17, two of 17 [up to 17 of 17] and mailed them October 25. I wrote her (Nancy Barnes) on December 5th, she wrote back on December 20th saying only one had arrived. I paid the postage and the stuff never arrived."

They rewrote and resent, rewrote and resent a third time and the suit arrived.

They fought. They won.

Post and Combs were stubborn and persistent and eventually the ODRC was forced to change their system of recreation on Death Row. Inmates were shuttled in groups to two different sessions per day. The Corrections Officers were not happy; because each inmate had to be transferred independently from cell to the indoor or outdoor cages [Inmates are cuffed and shackled through portholes in the doors, a lengthy process.]

The guards weren't happy because it doubled the time spent on transportation. Eventually security got lax and the COs would let a group walk together wearing only cuffs.

Post and a handful of others kept fighting. In 2002 he filed another suit based on the Americans with Disabilities Act (ADA). "It was handwritten on 39 pages, front and back," he said. "The suit said State institutions violate the ADA. Mental illness is a disability and they should provide accommodations.

"I have a mental illness. I saw an article in a prison legal newspaper from California about how ADA applies to inmates. I got information from the prison law library about laws and filing.
"[Mansfield] should provide for those with disabilities. The institution has an ADA request form," he said. "But the State violates the Federal regulations."

To an outsider like me, forcing a change in the recreation schedule that inconveniences everybody on Death Row seems like a hollow victory. But when all your rights are gone, any win is a big deal.

When inmates talked or wrote to me about their crimes and convictions, I could divide them into one of four categories: 1) those inmates who readily admit their guilt and feel they have a justifiable reason to reduce their sentence; 2) those that readily admit guilt, have adapted to the death row environment and want to delay their execution as long as possible by filing appeals; 3) those that deny guilt and want their conviction overturned. Some of the "not guilty" group had credible stories, but others were laughable and; 4) the volunteers: those who readily admitted their guilt and did not want to extend their time by appeals.

When I first met Ronald Ray Post, he squarely placed himself in the “not guilty” category. At first I thought he had distinguished himself among the “laughable” subset by making the most ridiculous claims I could imagine.

Many people will readily lie to save their skin, especially if the crime is as serious as capital murder. During the 10 years of this study I heard many accusations against the good guys: claims of evidence planted by police, facts withheld from the accused that could have cleared someone and scores of intentional, illegal deeds by the prosecution. It was scary to even think these claims might be true. It was terrifying to see actual evidence of prosecutorial misdeeds.

Some in the District Attorney’s office feel so convinced of a man’s guilt or are so dedicated to their cause that they feel the need to help Lady Justice – well, she is blind – by giving the scales a little help in the “right” direction.  

But I was actually insulted when Post started pleading his case for innocence. Maybe a guy can be fooled one time into signing a document he did not read nor understand, but Ronnie was claiming three. And I could believe that maybe a really dishonest prosecutor would make – then deny under oath – a deal for a lesser sentence. Plus I believed that out of desperation, earnest and committed public defenders are often assigned to cases that are way beyond their ability and experience.

But I had a real hard time believing that all those supposed trial errors – plus five or six more – all happened to Ronald Ray Post as he claimed. But towards the end of the study a long series of news articles gave credence to many of Post’s claims.
Post’s crime and his trial took place in Elyria, Ohio, a nice, quiet and scenic smaller city about 30 miles west of Cleveland and five miles south of the shores of Lake Erie. There was not a lot of violent crime in Elyria, so Post’s trial and follow-up were big news events that earned plenty of space in the Elyria Chronicle-Telegram.

Post was eventually convicted of the murder and robbery of Helen Vantz. Mrs. Vantz was a 53-year-old night clerk at a local motel; she had been shot twice in the right side of her head at very close range with a small caliber weapon. Vantz was robbed of personal and motel cash totaling $101.8

Investigators originally believed that Vantz had died of natural causes because no blood showed. In addition, when her body was discovered at 8:30 a.m. Helen was sitting upright in her chair and still holding a pencil in her right hand. Two days later during autopsy the coroner discovered the entry wounds.

In one of Post’s several versions of the crime, he said that he was the lookout and driver and his cousin did the robbery and shooting. Ronald said he was not aware of the killing till he saw the news the following evening.

The Elyria detectives questioned Ron twice and determined that he acted alone. Post was arrested and charged with Aggravated Murder and Aggravated robbery.9 Ron signed a confession, but later claimed he was not aware that the document was an admission of guilt.10

The Elyria Chronicle-Telegram reported that Post denied the killing when first questioned by the police. The same news article mentioned several witness by name, and Detective Michael Medders said, “Post apparently told anyone who would listen that he was the shooter.”11

Post was arrested two months after the crime, and eventually signed a confession. None of this could be verified by trial testimony because no one testified: there was no trial.

Whether by blind luck, intention or accident, Post’s case turned into a legal quagmire of appealable issues. These many issues of law were so deep and complex that Ronnie is in the running for the most time spent on Death Row in the country.

Post was only the second person in the history of the United States to plead “no contest” to a murder charge after opting for trial by a three-judge panel (in lieu of trial by a jury). The first “no contest” pleas before a panel happened in 1898.

A "no contest" plea is usually used in minor offenses like traffic cases. It is an admission of the facts, but not an admission of guilt. But unknown to Ron, by pleading no contest he waived his most basic constitutional rights to: have a trial by jury; have the
opportunity to confront witnesses and present his own and; have the State prove each element of the crime.\textsuperscript{12}

There were additional problems with the no-contest plea: neither Post nor his attorneys had the chance to present evidence of several mitigating factors that could have saved him from the death penalty. Post was only 24-years-old, an age that could have qualified "youthful offender" status, thereby not eligible for execution.

There are multiple versions of why Post entered the no-contest plea to the three-judge panel. Post, his mother, step-mother, brother and several persons close to the investigation all claimed Ron was not aware of the probable outcome: he did not realize that he would most likely receive a death sentence.

Instead, Post and his family were told by his attorneys – Michael J. Duff and Lynett McGough – that "no contest" was his best defense. McGough assured everyone concerned that one member of the panel, Judge Adrian Betleski, was a devout Catholic and opposed to executions for religious reasons. McGough also said she confirmed Betleski's position during a meeting with the Judge.\textsuperscript{13}

Numerous witnesses testified that Ron had bragged about committing the murder. Their statements were a little shady because the prosecutor offered incentives in exchange for their testimony. In hopes of countering the evidence, Post's attorneys hired investigator Robert Holmok, also a police officer, to administer polygraph tests on Ron.\textsuperscript{14}

Ron was given three lie detector exams: the first indicated innocence, the second and third were inconclusive. But the tests were a total flop. Homok, the examiner, later testified that Post had admitted to shooting Mrs. Vantz during the robbery.

There were many, many more confusing, misleading and contradictory events that marked the legal process for Ronald Ray Post. Early on his attorney Michael Duff claimed that the polygraph examiner's testimony should have been inadmissible because it violated the issue of attorney/client privilege.

Duff later said that when he learned of Post's confessions and statement to the investigator, "The case was lost. He was dead-bang guilty.

"The no-contest plea was his only hope," said Duff. "It was a tactical move to preserve the issue of the polygraph on appeal."

Several years later, Attorney Lynette McGough denied that she made any statement to Post, his family or anyone else about Judge Betleski. She further claimed it was Duff, the other lawyer on the team that promised Post would receive a life sentence.
McGough later was elected to the Court of Common Pleas in Elyria. Her new job did change the past: the finger-pointing and accusations between lawyers McGough and Duff continued.

It is hard to believe, but things got worse – or better if you were Ronald Ray Post and hoping to delay execution. While under review, Ron’s entire case file was lost in the office of an appeals court judge for seven-and-a-half years. The file was discovered in 1996 by a clerk, two years after the reviewing judge died.¹⁵

Nothing should surprise anyone when it comes to Ronald Ray Post. In March of 1984 Ron was arrested for the murder of Helen Vantz. As of July 2011, he has been on Death Row for 27 years. Like most cases, there is a lot of evidence that does not ascribe to common sense: things just don’t stack up in favor of his innocence or his guilt.

When it comes to the inmates’ late stage appeals, those on Ohio’s Death Row get help from attorneys well-versed and experienced in issues of constitutional law and capital murder. But at trial level most of the accused are not so fortunate: there are rarely funds available for expert testimony, witness preparation and coaching and other legal tactics that could influence the verdict or sentencing.¹⁶

The lawyers that helped Ronald Ray Post were a combination of legal nightmare and lawful bonanza. Post’s lawyers for the initial trial and sentencing portions of his capital case made some good moves, bad mistakes, fought in public, at times passed notes because they refused to speak to each other and fortunately worked in a substandard fashion that provided Ronald with many issues for later appeals.

Two reporters for the Elyria Chronicle Telegram worked together and followed the case of Ronald Ray Post starting with his arraignment in December of 1983, through the initial sentencing in March of 1985. The reporters continued their coverage of Post, which explained the each step in the appeals process.

Scott Stephens and David Knox painstakingly covered every event and side story of Post’s legal proceedings. After Ronald’s sentencing the two writers launched an investigative series that examined the circumstances surrounding Post’s death sentence.

Knox and Stephens were experienced and credible reporters. They adhered to the ethical code of their profession and approached the stories about the various aspects of the case without any kind of agenda. In May of 1987 the two writers were recognized for their work on the case. Knox and Stevens were honored with a first place award from the Ohio State Bar Association for their coverage of Ronald Ray Post.¹⁷
It appeared to Stephens and Knox and many others that Post might not have been fully aware of the consequences of his no-contest plea. There was also a strong indication that one or both of his court-appointed attorneys – as a team or as individuals – either lied to Post or misled him: he did not comprehend the seriousness of the charges or was not aware of any sentencing agreement made with the prosecutor’s office. There was a long list of possible mistakes: actually, an unbelievably long list of mistakes. According to the series of stories by Stephens and Knox there was credible evidence to support portions of Ron’s various claims of innocence.

Ron said, “I went into that hearing believing the assistant prosecutor had arranged for a sentence of 15-to-life in exchange for my plea of no contest. And then I got a rod jammed up my ass,” he said.

"They just raped me. I was in total shock and my attorney fainted.”

Living on Ohio’s Death Row has a major impact on a man’s life. Post has always been slightly more bizarre than the other inmates, but that was evident before he went to prison. In 1999 Elyria police Chief Michael Medders made two distressing and poignant comments about Post’s behavior before and after the trial and sentencing. Medders had been a rookie detective when assigned to the murder of Helen Vance.

“Of all the cases, this is the one that still bothers me to this day,” Medders said. “[He] had a very cavalier attitude, like it was a game he was playing. Like he was saying, ‘I did it, now you prove it.’ ”

At the time of the trial, Ohio was executing people with the electric chair. Post surprised Chief Medders a second time. “After he was sentenced, he called and said he wanted to see me,” said Medders. “He told me ‘I really don’t mind dying for this. But can you talk to someone and see if you can get me a firing squad?’”

Ronald Ray Post and his first wife lost two infants to Sudden Infant Death Syndrome (SIDS), something that still troubled him in 2011. Many years after arriving on Ohio’s Death Row he was diagnosed with bipolar disorder. Ron’s early treatments were not effective, but eventually his psychiatrist felt believed Post had been stabilized and was making progress.

Post said his treatment regimen included extremely high doses of Lithium and he was unhappy with the many side effects from his medicines. Later on Ron said he was prescribed Bupropion and Prozac, “aspirin for my blood and high-blood pressure medicine.
"[I also take] Ditropan for an over-active bladder, three tabs three times a day. I started taking them because I wet the bed if I sleep at night," he said. They made his mouth dry and pasty, so he changed schedules: stayed up nights, slept during the day.\(^{20}\)

I never learned if the bipolar problem developed before or after Post was incarcerated. He was 24 when the murder occurred, which is within the age range of when bipolar disorder first surfaces in males.

Post eats a lot, gets very little exercise and his psychiatric medicines contribute to obesity. Day-by-day, pound-by-pound his weight steadily ballooned and in the spring of 2011 he was well over 400 pounds. Ron wrote, "A while back I told the medical staff, 'If I get over 400 I'll go on a diet.' Me and my big mouth."\(^{21}\)

Post has a fiancée that puts money on his commissary account, and he's been munching on cookies, chips and pints of chocolate ice cream. He had been too heavy to weigh on the scale in the medical unit, because it only went up to 400 pounds. "They brought me back next week," he said. "And I saw a tractor pulling this thing [that] looked like a bull pen.

"It was a cattle scale. I was 464 pounds. I was shocked."

In 2003 Ronald began a relationship with a female pen-pal from England. Post met Tracy though a British organization opposed to the death penalty. Tracy eventually came to Mansfield, Ohio to meet Ron and visit for several days. There is no physical contact during visits at DR Mansfield. Visitors are separated from the inmates, but can view them through a one-inch thick, bullet and mostly soundproof piece of Lexan. Ron and Tracey communicated by monitored telephone.

Eventually the couple decided they wanted to marry. The ODRC does not allow their Death Row clients to wed. Post and Tracy had their work cut out for them. True to his pain-in-the-ass nature, Post complicated the new relationship by convincing Tracy that after they successfully sued, won the right to marry and then legally became husband and wife . . . well . . .

Tracy had read about an inmate that sued, won the right to have private contact visits with his spouse and started a family. After the wedding Ron and Tracy planned to sue for the right to have conjugal visits. If they were denied conjugal visits, they would file suit for the right of Tracy to be artificially inseminated by her husband’s semen.
Just like when Medders' said Post talked about the murder "to almost anyone who would listen," Ron discussed his marital plans with one friend too many: somebody snitched.

One inmate passed Post’s nuptial plans directly to Greg Morrow the Death Row social worker and case manager. During my research time, Mr. Morrow was extremely helpful to any reasonable request and very responsive to any issues raised by me, the inmates or their families. In my experience, Morrow went beyond protocol and out of his way to accommodate visits during times of illness, a death in the family, or day-long and extended visitation prior to executions.

Apparently Greg Morrow was not pleased at the prospect of years of lawsuits intended to change institutional rules that were in place for reasons of security. After discussing the situation with Post, Mr. Morrow rescinded all of Ron's visiting privileges.

Post began his sentence on Death Row at the Southern Ohio Correctional Facility (SOCF) at Lucasville, where few things were nice. "We went two guys at a time to rec on the grass," he said. Walking through grass was high on the list of activities missed by the newer DR inmates.

But rec on the lawn was about all there was to enjoy on Death Row at SOCF. "When I arrived at Lucasville I was kinda cut (muscular) and weighed 245," said Post. "They were all yellin' 'Look at the big guy.'"

When he first arrived at Mansfield, "I was celled with a homo," said Post. "He stole my clothes; he walked around nude all the time and used to masturbate in front of me. It was just too much shit; it all just got to me."

Ron could only think of one way out: suicide. The scars run deep in his forearms . . . and very wide. It does not look like a cry for help: he had been serious about dying.

"I used a pencil sharpener blade," said Ron. "They do cell checks at noon and two, so I slit my wrist after the noon check. After a minute the blood began to stop [flowing], so I cut deeper into the arteries.

"The case manager came to see me at 12:04 and I woke up in the hospital five hours later." When Post returned to Death Row from the hospital, his suicide attempt earned him three weeks in solitary.  

In early summer of 2011 Post wrote that he was having difficulty getting good-quality sheets of carbon film. He used the film to make multiple copies with his typewriter. Ron needed to produce eight copies while typing his latest legal action.
The prison charged five cents per page and he could save money by purchasing the heavier carbon film he had used for years, but the company had gone out of business.

He asked if I could help locate a source to purchase carbon film for his typewriter.

Ronald Ray Post was preparing his newest legal action: he and Tracy were suing for the right to get married.²⁴

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1 "Listing of Ohio Death Row Inmates."
3 Event with guard was after an interview with Jerry Hessler; 31 Mar. 2002.
5 Post had asked for my help with delivering his lawsuit to the U.S. Sixth Circuit Court of Appeals in Cincinnati (my hometown). He mailed the envelope 23 Mar. 2003, but his outgoing mail had languished in the prison mailroom. His material was finally postmarked and sent on March 29. The envelope arrived at my home on Friday 31 March, too late to make the required eight copies and deliver to the Federal courthouse before closing. Post called late Friday afternoon to verify delivery. He had included a "Certificate of Service" designating me as his official courier. Ron gave me further instructions for calling Nancy Barnes at the Sixth Circuit office. Ms Barnes granted Ron an extension, allowing me to deliver after the weekend.
7 Joy (403).
15 "Death penalty case was forgotten." Cleveland Plain Dealer. Hollace Silbiger. 7 Mar. 1996.
16 Joy (403).
20 Interview with Ronald Ray Post; 21 Nov. 2002.
23 Interview with Ronald Ray Post; 6 Sept. 2002.
Living on Ohio’s Death Row
Conclusions:

Living on Ohio’s Death Row is about people and how they live under unusual and extreme circumstances. Due to the extended length of the study and close personal relationships with participants, the subjects revealed things I had never before considered, expected or read about in prior research.

Living on Ohio’s Death Row was a qualitative study; prior investigations of the Death Row environment were quantitative. Both types of studies produced similar findings. Following are my conclusions after more than 10 years of research.

I did not interview or put any focus on the corrections officers, but was very curious about inconsistencies in the enforcement of regulations. I encountered many conflicting situations: strict rules yet a thorough inmate system created to skirt regulations; policies and security measures of the institution that were circumvented by guards; on a regular basis certain inmates, their actions and/or situations were overlooked. An inmate might be knowingly allowed to slide on a personal property violation for several years, then for some reason fall out of favor and have the item confiscated. Officers frequently turned a blind eye to forbidden activities like gambling, sex, extortion, drugs and possession of sexually oriented publications.

I had many misconceptions about the men convicted of capital crimes and their lives on Death Row. Only one of those preconceived notions was true: confirmed when one inmate wrote, "Life here is exceedingly boring." ¹

I was exposed to people and situations that were contrary to what I expected: I met admitted killers and long-time convicts who were as congenial and helpful as suburban neighbors. I conversed with condemned killers who laughed, giggled and cried in the interviews. These supposedly hard-core incorrigibles: donated their time to and limited funds to local charities; crocheted booties and caps for physically and mentally challenged babies, and; held fund raisers selling pizzas or chicken wing dinners (money paid via commissary accounts, ordered locally and prepared in the prison kitchen).²

I learned about the environment, culture, demographics and disparities of Death Row through interviews, letters, phone calls and emails. Over time the inmates began to trust they opened up about their lives before and on Death Row.

In time we exchanged stories about our common experiences such as childhood, loves, children, dreams and goals. Eventually some spoke in frank detail about their murders, regrets, sorrows and remorse.
Visiting Death Row showed me that the inmates did not live a cushy life and I quickly came to the conclusion that the death penalty was not evenly applied. Minorities were disproportionately represented, but the most glaring inequity was economic.

Low-income murderers over-populated Ohio’s Death Row. Most of the inmates I met were not slated for execution solely because of their killings: they were sentenced to die because they were poor. They could not afford adequate, credible legal representation. Many of the attorneys appointed by the state had bungled plea bargains, slept during trial and lacked the experience or knowledge to mount an adequate defense. In addition the budgets of state-appointed attorneys are often no match for the resources of the Prosecutor’s office. The poor and their appointed attorneys cannot afford opportunities like expert witnesses and special investigators that could help avoid a death sentence.

The few available public defenders with adequate legal know-how were usually assigned to late stage appeals.

Death Row was over-populated with the poor. Greg Esparza said, "I've been here 20 years, no rich people ever get sent to Death Row." On the other hand, sometimes the system does work and the accused still ends up in ManCI awaiting execution. By good fortune, Jerry Hessler drew the best criminal defense attorney in Columbus, but in the end he was convicted of four counts of capital murder and the jury imposed a sentence of death.

I undertook this project for reasons of curiosity and personal enrichment, and will publish the material so that others' might benefit by enlightenment. Most of the men on Death Row are convicted killers, and I believe most are guilty. But I was surprised by their seeming normalcy. They are not animals; they are human beings with thoughts, feelings, families, loves and ambitions just like the rest of us.

Most of the men in the Living study were close friends. The inmates shared a strong bond: they were united by their imposed sentence and shared experiences from childhood to incarceration. I began this investigation with a false notion that men on Death Row are or become hyper-violent because they "have nothing to lose." My belief proved false.

There were a few extremely violent incidents during the 10 years of study, but overall Death Row prisoners have a much lower level of violence than inmates in the general population. It was true, they had "nothing to lose" and when trouble started it quickly escalated to full scale battle, but in general they avoided trouble with guards and other prisoners.
There was strong bond of camaraderie and cooperation between the men. The inmates worked as a group to keep peace in their area and collaborated on almost everything. For example, the men on the upper range in DR 4 came from the five major cities in Ohio: Cincinnati, Cleveland, Columbus, Dayton and Toledo. The inmates in that pod shared subscriptions to the five major newspapers and passed them from cell to cell. If Jerry Hessler wanted to keep an article from his Columbus Dispatch, he circled and marked the article, then passed the paper on. After the Dispatch made the rounds of all 20 cells, the article or page was passed back. He shared what he needed, and it always came back.

Within a few years of arrival, most inmates began to withdraw from the outside world. Eventually they cut off contact with family and focused on their life and relationships in the Death Row environment. Thinking of the outside and lost relationships was too depressing: it was easier to do their time if they focused on one day at a time: inside Death Row.

Some enjoyed their kills and said they would likely repeat if released. Three of the men would have been classified as sociopathic and had killed multiple times. Others left the house one day with no intention of harm, but unknowingly got enmeshed by chance in a chain of events the ended in homicide.

Several were cases of a burglary or robbery that had "gone bad." They set out to commit a crime, but did not intend to commit murder.

One inmate set out with his cousin on an early-morning, no-destination, time-killing joy ride with an old pistol. He forgot to bring the cocaine, so instead they purchased a twelve-pack and a fifth of Southern Comfort. About four hours later the day-long random activities ended with two strangers dead in the roadway.

I witnessed an overabundance of inmates on death row with a mental illness. Many of the inmates I met had chemical brain disorders. They did not meet the legal requirements for an insanity defense, yet I felt that their infirmity was a major factor that contributed to their killings.

The American Civil Liberties Union estimated that five to 10 percent of Death Row inmates have a mental illness. Four of the eight men in the study had been diagnosed with mental illness, were under the care of a psychiatrist and received psychotropic medications.

During the study many inmates filed "Atkins claims." In the case *Atkins vs. Virginia* the Supreme Court ended the execution of anyone with an intellectual disability (mental retardation).
I could find no estimates of intellectual disability among Death Row prisoners. During the study a number of inmates on Ohio's Death Row were in the process of appealing their sentences and/or convictions based on mental retardation.

After the *Atkins* case, Ohio law was amended to prohibit the execution of any individual that could be classified as mentally retarded. Mental retardation is a highly misunderstood disability. The diagnosis is based on three factors: 1) an IQ below 70; 2) the person must have difficulty coping in the everyday world; and 3) the disability must manifest itself prior to adulthood.\(^{20}\)

People with intellectual disability run a higher risk of wrongful convictions. They are more likely to: make false confessions to please the investigators; less able to work with their attorneys on a defense and; because of the stigma attached to mental retardation they are adept at hiding their disability, even from their attorneys.\(^ {21}\)

One man in my study would not let his attorneys file an *Atkins* appeal. He said, “I don’t wanna be a retard to beat this.”\(^ {22}\)

People with intellectual disabilities and mental illnesses often have inherent cognitive problems. One of the more common cognitive disorders is an inability to think in terms of cause and effect.\(^ {23}\) They are not capable of making good judgments, especially in stressful situations.

Virtually all the inmates in the study had little faith in the legal system and all made claims of prosecutorial misconduct during their trial. I had a hard time believing that so many prosecutors cheated. Well, they did. And they still do: it’s a fairly common practice.\(^ {24}\)

According to an article in the Wisconsin Law Review, in cases of capital murder prosecutors routinely: withhold exculpatory evidence from the defense; fabricate evidence; coerce witnesses; make false statements to the jury; knowingly mislead the jury on points of law and many other intentional and illegal acts.\(^ {25}\)

Why do they do it? To win: they are under extreme pressure to prosecute and close death penalty cases and they are immune from prosecution. The inmates had countless examples; probably the most and worst came from the trial of Gregory Esparza.

Esparza was convicted of shooting and killing a convenient store clerk during the robbery. There was one eye witness to the killing, and at the trial he claimed the shooter was "a short, thick-necked Mexican wearing a ski mask."\(^ {26}\) Months earlier, the eyewitness had told investigators that the shooter was one of "two tall, thin white guys."\(^ {27}\)
The murder happened in February of 1983. Esparza was arrested a few months after later, tried, convicted, sentenced and arrived on Death Row in May of 1984. Greg has been on Death Row for 28 years. The prosecutor withheld the conflicting statements of the eye-witness – and many more pieces of exculpatory information – until 1999 when Greg's attorneys discovered the truth.28

The families of the victims of homicide suffer from tremendous feelings of loss, anger and confusion. Nothing can replace a murdered daughter or father, but there are some resources available to help with their healing.

The families of Death Row inmates endure a similar emotional load, but their problems are compounded because they cannot get help. The families of the inmates face multiple issues: shame, fear, guilt, remorse and worst of all: no one listens.

Four of the inmates urged their relations to meet or communicate with me: a mother, daughter, three friends and two fiancés responded. I interviewed and communicated with all willing relatives, lovers and friends. Although I had signed releases, I removed their segments from this report because they were not comfortable with public exposure.29

Since childhood I felt that capital punishment was inherently wrong, but I was never involved in the issue and I paid less and less attention over the years. When I heard of another execution on the news, it really did not affect me. The thought came in, the thought went out and I went back to whatever I was doing: another unknown person was dead and I really did not care.

I can compare my reaction to an aspect of the Milgram experiments conducted in 1963. The subjects in the Milgrim experiments believed they were testing an unseen individual. When the anonymous supposed tester answered incorrectly, an administrator instructed the Milgram subjects to apply ever-increasing electric shocks. The results revealed that 65 percent of average citizens would apply a fatal shock to an unseen person when an authority figure took responsibility and gave the order.30

My response to the execution of someone I did not know was similar to the Milgrim subjects. Although I had always maintained I was against capital punishment, but when a state put another person to death I was appallingly apathetic. I did not know the executed, it was not my fault, so I did not care and didn't lose any sleep.

My nonchalant attitude changed drastically at the end of the third year of the study. I knew that most of the men in my group were guilty of some heinous crimes. However I did not meet the personalities that murdered. I met a facet of these men 15 to 20 years after their killings when they were older, wiser, drug and alcohol free, well-fed and peaceful.
On March 30, 2004 the first of my subjects was executed. This time the execution wasn't an anonymous, distant name on the news. It was someone I knew and liked and it hurt.

As of July 2011 four of the eight subjects are left. Before I experienced the first execution, Ronald Ray Post asked, "Will you come to my execution? I want somebody there on my side, but I don't wanna ask my Mom." Two more have made similar requests. Court ordered or not, I dread the thought of it: I don't want to watch anyone being put to death.

Frances Anne Spisak asked me to attend, but then I was bumped off the list two days before she was executed. I was relieved, but a part of me felt left out. Two days after her death a short, scribbled note arrived in the mail explaining the change. It felt good that she took a few minutes to write; it was signed like most of her letters, "Frances Anne, rose in a concrete jungle."

In the role of participant observer I got close to my subjects: maybe a lot closer than someone else would have. When the men asked me to be their witness, I consented. I said yes, because these condemned friends feel my presence will bring comfort to their last moments.

One question remains unanswered. I had always believed that some of us are different: that some people are killers and others are incapable of murder. Billy insisted that if threatened or pushed, all humans can and would kill without remorse. We debated the issue by mail, always friendly, but both firm in our convictions.

I spent a decade with eight men who killed. I found many similarities in our lives, personalities and beliefs . . . and very, very few differences.

That I know of, four of the six made two or more serious suicide attempts. These weren't calls for help, they intended to die.

At times the crushing depression from life on Death Row becomes so bad they want to die, but can't. Guards do a visual check on each inmate every 30 minutes. Three of the cutting suicides were discovered prematurely – before the next half-hour check – when the blood ran from under their doors.

Dropping appeals and opting for an early execution is not an expedient alternative: volunteering can entail a three to five year wait.

Most men arrive on Death Row with a strong desire to live. There is an immense, collective hope among the inmates living on Death Row. However, after roughly 10 years in the DR environment, it appears that coping mechanisms fail, hope dies and
inmates develop a death wish. Their desire to die is intense, strong enough that most resort to suicide attempts with dull home-made knives.

I have developed an unshakeable mental image of Goff, Palmer, Post and Spisak digging at their arteries with a sharpened tooth brush . . . and simultaneously a phrase from the Eight Amendment comes to mind: "cruel and unusual punishment."

Living on Ohio's Death Row has changed my life in many ways. I hope that that this and other newer reports can provide the general public, legislators and administrators with a true picture of life on Death Row.

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3. Bright (1825)
4. "Inadequate Legal Representation."
5. "Inadequate Legal Representation."
6. Horn, "Lawyer Mistakes Overturn Sentences."
7. Bright (1835).
8. Bright (1835).
12. Cunningham and Vigen (203).
14. Copy of circled and notated article from Columbus Dispatch was mailed to the author by Jerry Hessler. News clipping did not reveal date; envelope was postmarked 17 Sept. 2002.
15. Multiple interviews with Esparza, Hessler, Palmer and Spisak.
16. Holmes and Holmes, Serial Murder.
17. Holmes and Holmes, Profiling Violent Crimes.
18. "Mental Illness on Death Row."
19. Atkins vs. Virginia.
20. "Mental Retardation and the Death Penalty."
22. Phone call to author from Greg Esparza; 23 Nov. 2004.
23. "Mental Illness and the death Penalty."
28. Documentation in possession of Gregory Esparza; notes from three interviews in June and July of 2001; three interviews in July, September and November of 2002; Letters to author from Esparza.
29. All communication to author; interview notes in possession of the author.
30. Badwar (258).

Letter to author from Frances Anne Spisak; 15 Feb. 2011

Living on Ohio’s Death Row: Epilogue
Frances Anne and Anna: Parent and Child

Throughout the 11 years I worked on my doctorate, I often wondered if I was on the right path. I turned down a funded opportunity to earn a PhD in English because I wanted to follow an interdisciplinary path to earn an ISP PhD. My primary motivations for earning a doctorate were: the opportunity to research Ohio's Death Row, and; because "it just felt right." Research is exciting and idealism is nice, but neither helped pay expenses or tuition. I was wide awake many nights worrying if I had made the right choice.

The photo below of Frank Spisak, Jr. and his biological daughter was taken on Monday, 14 Feb. 2011 during their daylong visit at SOCF in Lucasville, Ohio. This was their first positive exchange in almost 30 years. Just three days later on Thursday, after 27 years on Ohio's Death Row, Spisak was executed by the State of Ohio at 10:39 a.m. Both Frank and Anna’s deceased stepfather had asked her not to attend the execution. As customary, the Ohio Department of Rehabilitation and Corrections granted Frank and Anna a “full contact” visit with no bars or restraints.

Parent and Child: taken 14 Feb. 2011
At day's end Anna posted on her facebook site, "I fear some will judge me for caring about and loving him, maybe even think I'm sick and twisted, given his crimes. The media, still portraying him as the same monster from 29 years ago, swarm like vultures, excited about sharing every detail of his death. I'll share THIS truth with whoever will care: he's going to die a good man. He's accepted his end with remorse and approaches it with peace and love in his heart."

Since the first day we met in 2001, Frank Spisak, Jr. was hoping that his estranged daughter Anna could accept him and his true self before he was executed. Spisak suggested I contact daughter Anna to partake in the research. Anna was struggling over many issues with this father she could not remember. She had a few pictures and what amounted to a stranger's remembrances in occasional letters.

Anna was born about the time Frank was beginning to come out in public about his sexual preferences: Frank wanted to become Frances Anne, a female. This was a pretty unusual change given it was the late 1970s.

Frances Anne's sexual revelation had accompanied the simultaneous development of serious, emerging mental disorders.

Shortly after we met, the now Frances Anne Spisak suggested I communicate with Anna. She and I sent emails back and forth about her mixed feelings, personal confusion, anger and what to do about this weird man/woman that had invaded her life and emotions. She was equally disturbed by the lack of any memories of this man in her early life. Frances Anne's letters about their time together did not coincide with Anna's childhood memories: All she remembered was the stepfather she dearly loved.

I contacted Anna several times in 2010. No pressure or questions, just checking in. I was the person she wrote to as a way to resolve all those crazy emotions she would not tell anyone else. We emailed back and forth about: feeling guilty for hating her biological father because he had never been in her life; she angrily asked herself and me if he had a right to intrude, and; most of all she wanted someone to tell her what to do.

Late in 2010 all those questions started screaming at Anna for answers. She knew that Francis Anne, or Frank, Jr., or whatever he/she wanted to be was getting close to an execution date. Anna had always escaped – and sometime's cursed the fact that – previously Frances Anne received stays of execution. The stays only delayed and complicated the inevitable, and now it looked like it was time.

I am not boasting, but all those emails we exchanged eventually gave Anna the courage to fly home to Cleveland and meet the absent, murdering father named Frances Anne. Anna alternately avoided and consulted me. I heard from her by text message just as she boarded the flight on Sunday afternoon, the day before Valentine's
Day.

When I saw the above picture and accompanying note from Anna on facebook, I knew Frances Anne had gotten her wish. In the ten years I knew Frances Anne she would always shave, shower, groom and dress for our meetings. However, she never looked as polished and happy as she did in the photo taken during Anna’s visit.

More importantly, in the ten years I have known Frances Anne I had never seen her display such a joyous and fulfilled smile. Anna posted more comments along with pictures of her birth father Frank Spisak, Jr. as young, nervous father holding his newborn daughter.

I do my each new piece of my art – words and pictures of marginal cultures – in the hopes that somewhere, someday, someone will benefit. Seeing Frank and Anna’s picture and reading Anna’s words were a personal benefit that resulted from my work.

I read, then cried, then puffed out my chest and thought, “I did that. ME.” I stared at their picture for another five or 10 minutes, then arrived late for a work and ruined my perfect attendance record. The record was not important. I’d worked 10-years for a 10-minute gloat, and it was well worth the effort. More important than my short wallow in triumph was the affirmation that I had chosen the right path. I did the right thing.

Sincere thanks for reading my words,

Eric Lose
Living on Ohio's Death Row
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Eric Lose  
8098 Camner Ave  
Cincinnati OH  45236  
513-984-3831  
Losee@email.uc.edu

July 19, 2000

Steve Van Dine  
Human Subjects Research/DRC  
1050 Freeway Drive North  
Columbus OH  43229

Dear Steve,

I finally received approval from the University of Cincinnati for my death row research project. Attached is an updated proposal and all related documentation for the DRC Human Subjects Research Committee.

If there are any questions please call. I appreciate all your help in this matter. Sorry it took so long for me to get UC’s approval.

Sincerely,

Eric Lose
Research Proposal to the Ohio Department of Corrections

Human Subjects Research Review Committee

Living on Ohio’s Death Row

by

Eric Lose
8098 Camner Ave
Cincinnati OH 45236
513-984-3831
Losee@email.uc.edu
Specific Aims

I am requesting approval from the Ohio Department of Rehabilitation and Correction Human Subject Research Committee to conduct research and interview Ohio death row inmates for a nonfiction article. The article will be my Doctoral dissertation, and will be submitted for academic conference presentation and eventual publication.

I want to convey to readers how death row inmates physically and emotionally adapt to their confinement and impending execution. I have no intention of raising any legal or moral issues associated with capital punishment, but intend only to offer an objective and nonjudgmental picture of how the condemned adapt to maximum-security incarceration. The article will be written in the style of literary journalism.

Literary journalism combines the accuracy and candor of journalism with the technical features of creative writing. The writing style requires extensive research and interviews, which enable the author to produce an interesting, in-depth look at a situation or subject. The style gained popularity in the 1970s when it was adopted by well-known authors, including Gay Talese, Joan Didion, Truman Capote and Norman Mailer.

I began working on the project in November of 1999 when I applied to the Human Subject Research Review Committee (HSRRC) of the Ohio Department of Rehabilitation and Correction (DRC) for permission and clearance. I received conditional approval for the project from the DRC/HSRRC, pending approval from the UC West Campus Human Subjects Committee. I originally budgeted my time for interviewing at two days per month and estimated a two-year period to complete the research.

The West Campus Human Subjects Research Committee of the University of Cincinnati has approved the project. A copy of their letter is attached.

The strength of the project will be candid, open-ended interviews conducted over a long period of time. In the past, I have demonstrated the ability to establish a rapport with inmates and earn their respect and
confidentiality. This is often not the case in psychological and psychiatric studies, where inmates associate the interviewers with the administration.

I have worked as a volunteer with inmates at four correctional facilities in Ohio. At Madison Correctional Institute in London, Oh and Queensgate and Hamilton County Justice Centers in Cincinnati. I provided substance abuse counseling to inmates preparing to be released. Currently I teach computer skills and resume writing to inmates at the River City Correctional Center in Cincinnati. My professional and nonjudgmental approach has always been well received by both inmates and administration.

Subjects and Timeline

I will begin soliciting candidates for interviews, initially contacting the inmates by mail. For this first stage I have selected 26 inmates who arrived on death row prior to 1985. The letter will explain the scope of the project, conditions and content of the interviews, and request their participation.

Inmates will be provided with a questionnaire and DRC-approved return mail envelopes with metered postage for reply. If the response is insufficient, later arrivals will be contacted. My eventual goal is to narrow the field to 10 to 12 willing, communicative inmates and begin in-person interviews in the spring of 2001.

I have been regularly interviewing five inmates: Gregory Esparza 179-450, James Goff 317-302, Donald Palmer 215-600, Ronald Post 183-812, and Frank Spisak 175-472. Esparza and Palmer are currently housed at Ohio State Penitentiary (OSP) at Youngstown; Goff, Post, and Spisak are at Mansfield Correctional Institute.

I will complete all interviews with inmates at OSP in Youngstown by March 31, 2005.

Procedures and Instruments

I will collect biographical information on each subject, possibly including but not restricted to: family history, education, prior criminal history, sentencing information (from the Ohio Bureau of Sentence Computation), religious and/or spiritual beliefs, and events leading to their current sentence. If permitted by Warden Marc C. Houk, I may tape record interviews.
Interviews will open-ended and candid; success is dependent upon establishing a rapport with the inmates over an extended period. Rather than adhering to a tightly structured list of questions, the intention is to promote descriptive emotion-based conversation with the subject: what they feel and what it is like to be in their situation.

**Conclusion**

I am a mature (53), hard-working graduate student wishing to produce a serious, non-biased dissertation project. I have established a reputation of being direct, responsible and professional and can assure the DRC Bureau of Research that I will adhere to all guidelines.

Attached are:

- Copy of the UC Human Subjects Research Committee’s letter of approval
- Appendix 1, sample of cover letter to inmates explaining project
- Appendix 2, sample of inmate consent form
- Appendix 3, sample of Waiver of Confidentiality
- DRC Research Proposal Approval form signed by Stanley Corkin, Director of Graduate Studies, Department of English, University of Cincinnati
- Copy of my Curriculum Vitae; references available upon request
DRC Appendix 1

Cover Letter to Inmates

Eric Lose
University of Cincinnati
(ML 0069) McMicken
Cincinnati OH  45221
513-556-2560
513-984-3831

Date:

Ohio State Penitentiary
878 Coitsville-Hubbard Road
Youngstown OH  44505

Dear _______________

   I am a writer and graduate student at the University of Cincinnati. I want to interview inmates for an article about Ohio’s death row. The intent of the article is to portray life on death row and how you as an inmate have adjusted to survive.

   I need 10 to 12 inmates willing to be interviewed on a monthly basis over a period of one to two years. I need to spend time with you to learn what it is like to live in your shoes so I can write about it and others can read about it.

   Participation is voluntary and you may withdraw at any time without risk or reprisal.

   The article will not be used to make me rich. It is for my PhD dissertation. Any possible profit beyond my travel expenses and supplies will be donated to AIDS Volunteers of Cincinnati, Children of the Night and the Special Olympics.

   I must remain objective to portray an accurate picture. As the author I will not be voicing my personal stance on any legal or moral issues related to capital punishment. However, you will be free to voice your feelings, which may or may not be used in the final story.

   If you decide to participate, anything we discuss in an interview is subject to appear in print. People’s real names, including yours if you participate, will be used in any articles—there will be no anonymity. In short, if you don’t want someone to read about it, then don’t talk to me about it in the interview.
There are possible risks involved: It may be very emotionally upsetting for you to discuss your situation with me. There are possible benefits: Outside readers could gain insight into your situation, which could eventually influence public attitude about related legal and judicial issues.

I think there is a good story living on death row in Ohio. With your help, we can tell it. If you are willing to participate, please read over the enclosed materials, sign the Informed Consent and Waiver of Confidentiality forms (keep copies of each for yourself) and return them to me in the enclosed envelope. Feel free to write with any questions you may have regarding the interviews or the article before making your decision.

Sincerely,

Eric Lose
This letter contains information about the study and describes the purpose, procedures, risks and benefits of the interviews. Make sure you read and understand all of it before signing. There is information for you, your attorney or a caseworker to contact me with any questions.

I am not doing this for money. It is a story that I think needs to be told and will be part of my PhD dissertation for school. I intend to publish the story in academic journals and present the information at conferences. If by some chance there is any profit beyond my expenses it will be donated to AIDS Volunteers of Cincinnati, Children of the Night and the Special Olympics.

I am seeking to interview 10 to 12 inmates for a true story about life on Ohio’s Death Row. The interviews will be once a month over a one to two year period. In the interviews I will be asking you questions to help you describe life on death row. All volunteers will receive a list of questions in advance of any interviews. Interviews do not have to be limited to the list of questions. You are free to talk about anything.

Participation is voluntary; you will not be paid. If you withdraw from the study at any time, none of the information you have given me will be used by me or seen by anyone else—it will be destroyed.

Court and institutional documents, sentencing information and other matters of public record may be collected for inclusion in the article. Anything we discuss may appear in the story and you can refuse to discuss any questions. People’s real names, including yours if you participate, will be used in any articles—there will be no anonymity. In short, don’t tell me about it if you don’t want someone to read it.

I will take notes during all interviews and maybe use a tape recorder. If you don’t want to be recorded, tell me and it will be turned off.

A parole board will not take into account your participation in this study.

If your conversations with me cause you any emotional distress, you should seek counseling from the mental health staff at Ohio State Penitentiary.

Questions regarding interviews or the project in general may be directed to:

Author:        Eric Lose
               8098 Camner Ave
               Cincinnati OH  45236-2788
               513-984-3831

Faculty Advisors:        James Wilson, Professor of American Literature
                         University of Cincinnati
                         (ML 0069) McMicken
                         Cincinnati OH  45221
                         513-556-0933
The University of Cincinnati follows a policy of making all decisions concerning compensation and medical treatment for injuries occurring during or caused by participation in biomedical or behavioral research on an individual basis. If I believe I have been injured as a result of this research, I will contact Eric Lose at 513-984-3831 (Author and Principal Researcher) or James Wilson (Faculty Advisor) at 513-556-3905 or the Institutional Review Board at 513-556-2875.

The author maintains the right to decide which information gathered in interviews will be published.

Subject name (print): ____________________________________________

Subject signature:__________________________________________________

Date: ______________________________

Author name (print): ________________________________________________

Author signature:___________________________________________________

Date: ______________________________
Eric Lose
8098 Camner Ave
Cincinnati OH  45236-2788
513-984-3831

Waiver of Confidentiality

This is to be considered my legal authorization to waive the confidentiality in regards to information obtained during interviews with Eric Lose (author). The information is being gathered for an article to be written about life on Ohio’s death row.

I realize my participation is voluntary and that I may withdraw at any time without penalty. If I chose to withdraw, all information about me will be destroyed. My real name will be used in any articles—there will be no anonymity.

Subject name (print):_____________________________________________________________

Subject signature:_______________________________________________________________

Date: _______________________________

Author name (print):_____________________________________________________________

Author signature:_______________________________________________________________

Date:________________________________
Photography Release Form

I hereby grant Eric Lose ("Photographer") the absolute and irrevocable right and unrestricted permission in respect of photographic portraits or pictures that he may take of me or in which I may be included with others, to copyright the same, in his own name or otherwise, to use, re-use, publish, and republish the same in whole or in part, individually or on any and all media now or hereafter known, and for any purpose whatsoever without restriction as to alteration; and to use my name in connection therewith if he so chooses.

I hereby release and discharge Photographer from any and all claims and demands arising out of or in connection with the use of the photographs, including without limitation any and all claims for libel or invasion of privacy.

This authorization and release shall also insure to the benefit of the heirs, legal representatives, licensees, and assigns of Photographer, as well as the persons for whom he took the photographs.

I am of full age and have the right to contract in my own name. I have read the foregoing and fully understand the contents thereof. This release shall be binding upon me and my heirs, legal representatives, and assigns.

Date: _______________

Witness: _______________________________________

Name: _______________________________

Inmate number: _______________

Signature: __________________________________________________________
Specific Aims

I am requesting approval from the West Campus Human Subjects Committee to conduct research and interview Ohio death row inmates for a nonfiction article, which I will submit for conference presentation and eventual publication.

I want to convey to readers how death row inmates physically and emotionally adapt to their confinement and impending execution. I have no intention of raising any legal or moral issues associated with capital punishment, but intend only to offer an objective and nonjudgmental picture of how the condemned adapt to maximum-security incarceration. The article will be written in the style of literary journalism.

Literary journalism combines the accuracy and candor of journalism with the technical features of creative writing. The writing style requires extensive research and interviews, which enable the author to produce an interesting, in-depth look at a situation or subject. The style gained popularity in the 1970s when it was adopted by well-known authors, including Gay Talese, Joan Didion, Truman Capote and Norman Mailer.

I began working on the project in November of 1999 when I applied to the Human Subject Research Review Committee (HSRRC) of the Ohio Department of Rehabilitation and Correction (ODORC) for permission and clearance. I have received conditional approval for the project from the HSRRC, pending approval from the UC West Campus Human Subjects Committee. I originally budgeted my time for interviewing at two days per month and estimated a two-year period to complete the research.

The strength of the project will be candid, open-ended interviews conducted over a long period of time. In the past, I have demonstrated the ability to establish a rapport with inmates and earn their respect and confidentiality. This is often not the case in psychological and psychiatric studies, where inmates associate the interviewers with the administration.

I have worked as a volunteer with inmates at four correctional facilities in Ohio. At Madison Correctional Institute in London, Oh and Queensgate and Hamilton County Justice Centers in Cincinnati I provided substance abuse counseling to inmates preparing to be released. Currently I teach computer skills and resume writing to inmates at the River City Correctional Center in Cincinnati. My professional and nonjudgmental approach has always been well received by both inmates and administration.

Subjects

I will begin soliciting candidates for interviews, initially contacting the inmates by mail. For this first stage I have selected 26 inmates who arrived on death row prior to 1985. The letter will explain the scope of the project, conditions and content of the interviews, and request their participation.

Inmates will be provided with a questionnaire and ODRC-approved return mail envelopes for reply. If the response is insufficient, later arrivals will be contacted. My eventual goal is to narrow the field to five or six willing, communicative inmates and begin in-person interviews in June of 2000. All pertinent consent and approval forms related to interviewing, possible photographing, confidentiality and publication have been submitted to the ODRC.
Procedures and Instruments

I will collect biographical information on each subject, possibly including but not restricted to: family history, education, prior criminal history, sentencing information (from the Ohio Bureau of Sentence Computation), religious and/or spiritual beliefs, and events leading to their current sentence.

Interviews will open-ended and candid; success is dependent upon establishing a rapport with the inmates over an extended period. Rather than adhering to a tightly structured list of questions, the intention is to promote descriptive emotion-based conversation with the subject: what they feel and what it is like to be in their situation.

Also included in the research will be informal interviews with corrections officers working on death row. Their experiences and input would provide an important balance to the article.

All interviews will be conducted at the Mansfield Correctional Institute in Ohio.

I had originally intended to photographically illustrate the finished article. The Human Subject Research Review Committee of the Ohio Department of Corrections informed me that it is doubtful I will be given permission to photograph the inmates or any of the facility at Mansfield. I have included a “Consent to Photograph” in the event I am granted permission.
January 24, 2002

Mr. Eric Lose
8098 Cammer Ave.
Cincinnati, OH 45236-2788

RE: IRB #02-01-02-02: “Living on Ohio’s Death Row”

Dear Mr. Lose:

The University of Cincinnati Institutional Review Board – Social and Behavioral Sciences (UC IRB-S) has reviewed your protocol and has granted approval. This action took place at today’s meeting.

Please note that this approval terminates one year from the date of this letter. Should your project extend beyond one year, you must submit a request to the Board for renewal of this approval along with a Progress Report listing any anticipated revisions or changes in the research activity.

You are responsible for complying with all UC IRB-S policies, decisions, conditions and requirements. You are responsible for insuring that the research is implemented as specified in the approved protocol. Unless otherwise authorized by the UC IRB-S, you are responsible for obtaining and documenting informed consent in accord with applicable Federal Regulations (45CFR Parts 46.116 and 46.117 and 21CFR Parts 50.25 and 50.27).

You must report to the Chair of the UC IRB-S any changes affecting the protocol upon which this certification is based. No changes may be made without prior approval by the Board except those necessary to eliminate immediate hazards.

If you have any questions, please contact Claudia Norman, IRB-S Program Manager, at phone 558-5784, fax 558-4111 or e-mail Claudia.Norman@UC.edu.

Sincerely,

Margaret Miller, Ed.D., R.N.
Chair, UC IRB-S

MM/cm

cc: James C. Wilson, Ph.D. (M.L. 0069)

(p://IRB-S/letterApproved.doc)
January 24, 2001

Eric Lose
8098 Camper Ave.
Cincinnati, OH 45236

Mr. Lose:

Your study titled “Living on Ohio’s Death Row” has been approved by the department. Enclosed is a copy of the signed Research Proposal Approval form. You should have this signed form in your possession every time you travel to Mansfield Correctional Institution. It documents your purpose for entering the institution, and that you have received approval from Central Office and the Warden at MANCI to enter the institution for this purpose.

The person at Mansfield Correctional Institution who will assist you in conducting your study is Greg Morrow. He is the Death Row Case Manager. His telephone number is 419-526-2000, Ext. 6601. You should discuss your study in detail with him before doing anything else. He will be able to provide you with guidance that will make the conduct of your study go more smoothly. You will specifically need to discuss with him your desire to use a tape recorder when conducting your interviews. The final decision with regard to this will be up to the Warden.

When making a final decision regarding how to recruit your volunteer study participants, if you decide to send a letter of solicitation to inmates that requires them to send a return letter to you, if you want to provide them with a self-addressed return envelope, the envelope cannot be stamped. This is because stamps are considered to be something that the inmates can use to barter with, which is prohibited. If you want to provide a return envelope that is postage-paid you must provide them with a metered-mail envelope and not one with a stamp on it.

Good luck with your study. As agreed, we expect to receive a copy of the study once it is completed. Please contact me by phone at 614-728-1180, by fax at 614-728-1033, or by e-mail at lee.norton@odrc.state.oh.us, should you have questions.

Sincerely,

Lee Norton, Chair
Human Subjects Research Review Committee

c: committee members
ln/pjm
Map of Cells on DR 4
SUN 10 JUNE '01

MR. LUSE,

How are you? I hope you are well! 

MR. WILLIAM ZUERK 181258 RECEIVED YOUR LETTER.

He does not wish to participate, but he gave the letter to me. I will work with you if you wish.

On 19 November 1995 I killed 4 people in Columbus.

On 8 November 1996 I arrived on deathrow.

I was in D.R. 4 during the September 97 “riot” and I was out of my cell during most of it.

Please let me know if you accept my offer to work with you.

In any event, good luck with your research.

Take care!

Jerry

JERRY HESSLER
338-096

Hello Eric,

I am Jerry Hessler mother. I am sending you 20.00 for books that Jerry said you could get for him. Jerry wrote to me and he enjoys your visit with him.

Thank you Eric, I have been praying that someone would go up to visit him.

My prayers have been answered.

Eric I would appreciate a copy of the essay that you are doing on Jerry when completed. Thanks.

God Bless

Mrs Nessler

July 14 2002
Hand-Painted Card from Donald "Duke" Palmer

Merry Christmas

To:
Eric
family
Wishing you a wonderful holiday season...
...this year, and always

Love,
"Duke"
“My House”
Drawing by Donald “Duke” Palmer
Hand-Painted Card by William Wickline
Mailed on the Morning of His Execution
It's often believed by preachers and old women that being beaten breeds compassion. And they're right. It can. But it also breeds hardness. There's to some degree a choice.

-Charles Frazier, Cold Mountain
Eric,

By the time you receive this card I will have already been reduced to dust. I took a straight ride from Lucasville to the charcoal mattress. Why wait?

I made this card to represent a token of our friendship. I hope you like it!

May tomorrow see the Courts shaped by more Wisdom and less Politics.

B. Wickline - Last Words

Bill Wickline
Ohio executes man who butchered victims

By Carrie Spencer
The Associated Press

LUCASVILLE, Ohio — When the man convicted of strangling her sister walked into the death chamber, Nancy Fowler lifted a framed photograph of the victim toward the witness room window and held it there for eight minutes, until William D. Wickline stopped breathing.

Wickline, 52, was executed Tuesday for strangling the unconscious Peggy Lerch after slashing her husband’s throat over a drug debt 22 years ago. He then dismembered the bodies, which were never found.

He was the 11th inmate to die by lethal injection since Ohio resumed executions in 1999. He was pronounced dead at 10:11 a.m. at the Southern Ohio Correctional Facility.

Wickline was convicted in 1985 of killing the couple from Blendon Township north of Columbus and sentenced to life in prison for the death of Christopher Lerch, 28. He was sentenced to death for the death of Peggy Lerch, 24, because she was killed to hide another crime.

Wickline’s former girlfriend testified he used a saw to butcher the bodies and had a friend help him discard the bagged parts in trash bins around Columbus.

Wickline, who previously worked in a prison slaughterhouse while serving time for burglary in the 1970s, maintained he did not know what happened to the friends he used to sell drugs to.

He portrayed Kemp as a jealous, spurned lover who invented a tale to keep custody of her then-infant son after admitting she used drugs.
When Death is on the docket, the moral compass wavers

Burl Cain is a religious man who believes it is only for God to say when a person's number is up. But in his job as warden and chief executioner at the Louisiana State Penitentiary in Angola, Mr. Cain is the one who gives the order to start a lethal injection, and he has held condemned inmates' hands as they died.

He does it, he said in an interview, because capital punishment "is the law of the land."

"It's something we do whether we're for it or against it, and we try to make the process as humane as possible," he said, referring to himself and others on the execution team.

But he concedes, "The issue is coping, how we cope with it."

Common wisdom holds that people have a set standard of morality that never wavers. Yet studies of people who do unpalatable things, whether by choice, or for reasons of duty or economic necessity, find that people's moral codes are more flexible than generally understood. To buffer themselves from their own consciences, people often adjust their moral judgments in a process some psychologists call moral disengagement, or moral distancing.

In recent years, researchers have determined the psychological techniques most often used to disengage, and for the first time they have tested them in people working in perhaps the most morally challenging job short of soldiering, staffing a prison execution team.

The results of this and other studies suggest that a person's moral judgment can shift quickly, in anticipation of an unpalatable act, or slowly and unconsciously.

Moral disengagement "is where all the action is," said Albert Bandura, a professor of psychology at Stanford and an expert on the psychology of moral behavior. "It's in our ability to selectively engage and disengage our moral standards, and it helps explain how people can be barbarically cruel in one moment and compassionate the next."

The crude codes of behavior that evolved to hold early human societies together — taboos against killing, against stealing — would have been psychologically suffocating if people did not have some way to let themselves off the hook in extreme situations, some experts argue. Survival sometimes required brutal acts; human sacrifice was commonplace, as were executions.

The innate human ability to disconnect morally has made it hard for researchers to find an association between people's stated convictions and their behavior: preachers can commit sexual crimes; prostitutes may live otherwise exemplary lives; well-trained soldiers can commit atrocities.

Investigators can identify the precise kinds of thoughts that allow people to do things that defy their personal codes of ethics.
Now, psychologists at Stanford have shown that prison staff members who work on execution teams exhibit high levels of moral disengagement — and the closer they are to the killing, the higher their level of disengagement goes. The trailblazing research grew out of a high school project.

In the late 1990's, Michael Osofsky, then a teenage student in New Orleans, began interviewing prison guards at the penitentiary in nearby Angola. His father, a psychiatrist who consulted with the prison, collaborated, as did the warden, Mr. Cain.

By the time Mr. Osofsky graduated from Stanford in 2003, he had conducted in-depth interviews with 246 prison workers from penitentiaries, including Angola, in three states. They included guards who administer the lethal shots, counselors who provide support during the execution, members of the strap-down team, and guards not involved in executions. The people on the execution teams "come together, do the execution, then go back to their regular jobs" in the prison, Mr. Osofsky, now on a fellowship in Asia, said in a telephone interview. "They never really talked about this part of their job, even with their families; even with each other."

Working with Mr. Cain, Dr. Bandura and Philip Zimbardo, another Stanford psychologist, Mr. Osofsky administered a moral disengagement scale to the execution team members and the guards not on the execution team.

This questionnaire asked workers to rate how much they approved or disapproved of 19 statements, including: "The Bible teaches that murders must be avenged: life for a life, eye for an eye"; "Nowadays the death penalty is done in ways that minimize the suffering"; and "Because of the nature of their crimes, murderers have lost the right to live."

In an analysis of the answers published late last year in the journal Law and Human Behavior, the psychologists reported that members of the execution team were far more likely than guards not on the team to agree that the inmates had lost important human qualities; to cite the danger that "they can escape and kill again;" and to consider the cost to society of caring for violent criminals.

The team members were also more likely than other guards to favor religious support for the sentence: an eye for an eye.

"You have to sanctify lethal means: this is the most powerful technique" of disengagement from a shared human moral code, said Dr. Bandura, who has expressed serious moral reservations about capital punishment. "If you can't convince people of the sanctity of the greater cause, they are not going to carry the job out as effectively."

Execution teams are organized so as to divide the grisly tasks, enhancing what researchers call a diffusion of responsibility. A medical technician provides the lethal drugs; a team of guards straps the inmate down, with each guard securing only one part of the body; another guard administers the drugs. "No one person can say he is entirely responsible for the death," Mr. Osofsky said.

Firing squads draw on this same idea. Everyone in the squad fires but no one can be sure whose shot was deadly.

The level of disengagement, as measured by the scale, was about as high in prison workers who participated in one execution as in those who had been party to more than 15, the study found. This
suggests that, while the job may get easier over time, "moral disengagement is an enabler, rather than merely the result of performing repeated executions," the authors conclude.

The pattern was strikingly different in members of the execution support staff, particularly the counselors working with the families of inmates and victims.

These staff members were highly morally engaged when they first joined the execution staff, deeply sympathetic to everyone involved, including the condemned. "I'm in a helping profession, but there isn't a damn thing I can do for these guys," one of them said to Mr. Osofsky. "I hate it, but I do it. I am required to do it."

That ambivalence seemed to affect the counselors' moral judgment over time, the study found. After they had been involved in 10 executions, the counselors' scores on the disengagement scale almost matched the executioners'.

The finding stands as a caution to the millions of people who work in the service of organizations whose motives they mistrust, psychologists say: shifts in moral judgment are often unconscious, and can poison the best instincts and intentions.

"This really gets at the idea of people working in corporate structures that are involved in selling, say, weapons or tobacco, and saying, 'Well, I just keep the books,'" when they disapprove of the business, said Susan Ravenscroft, a professor of accounting at Iowa State University in Ames who has studied business ethics.

Moral distancing can also be seen in the language of war, politics and corporate scandal. Pilots euphemistically "service a target" rather than bomb it; enemies are dehumanized as "gooks," "hajis" or infidels. Politicians and chief executives facing indictments deflect questions about ethical lapses by acknowledging that "mistakes were made," or that they were "out of the loop."

These remarks reflect internal methods of self-protection, as well as public evasions, research suggests.

Yet it is in the mundane corner-cutting of everyday life that moral disengagement may be most common and insidious, and least conscious.

In a 2004 study, professors at Iowa State University and the University of Arkansas tested the moral judgment of 47 college students who had cheated on a take-home exam, a complex accounting problem.

Many of the students found a solution to the problem online — posted by another professor who was unaware it was part of an exam — and reproduced the solution as their own, though it used techniques they had not yet learned. Others had clearly collaborated, which their professor had explicitly forbidden. Another 17 students had not cheated, as far as their teacher could determine.

The professor threw out the test scores and got permission from the students to ask about their behavior. The cheaters' scores on a standard test of moral judgment did not correlate at all with their level of plagiarism or collaboration. On the contrary, it was the most dishonest male students who scored highest on the morals test.
"Clearly, this is not what you want to find in a test of moral judgment," said Dr. Ravenscroft, a co-author of the study, with Charles Shrader of Iowa State and Tim West of the University of Arkansas.

Only by conducting in-depth interviews with students about their behavior did the researchers begin to see clear, familiar patterns. One was displacing the blame: "I think it's hard for people not to look at the answer manual if it's available," said one student. "Maybe you should have taken the problem off so people wouldn't be tempted."

Another was justifying the behavior by comparison: "I really don't consider working with another person that unethical," one student commented. "Taking and copying answers from the key was highly unethical." Many students "rationalized cheating behavior as a necessary defense to the cheating of others," the researchers concluded in their analysis, to appear this year in the Business and Professional Ethics Journal. "Yet in an extreme example of moral exclusion, none of the students discussed this impact on others."

Recognizing these kinds of selfish evasions in oneself is hardly proof of moral collapse, psychologists say. Rather, they say, moral disengagement is evidence that a sound moral sensibility is trying to assert itself, warning against a situation it finds suspect. As a rule people don't like to cheat or lie, studies find, and they are extremely reluctant to inflict pain on others, no matter the circumstances.

And moral engagement is dynamic. Once people stop doing what is consciously or unconsciously upsetting them, the research suggests, they engage their conscience more fully.

That is, if they have the luxury to walk away.

"I remember the one execution I attended, there was this strange heaviness in the air all day," Mr. Osofsky said. "These guards you knew were somber and detached, keeping to themselves. This wasn't something they gloried in or looked forward to at all. They didn't really seem like themselves."

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I. AUTHORITY

This policy is issued in compliance with Ohio Revised Code 5120.01 which delegates to the Director of the Ohio Department of Rehabilitation and Correction the authority to manage and direct the total operations of the Department and to establish such rules and regulations as the Director prescribes.

II. PURPOSE

The purpose of this policy is to establish guidelines for carrying out a court-ordered sentence of death.

III. APPLICABILITY

This policy applies to all individuals involved in carrying out a court-ordered death sentence in accordance with all applicable policies, administrative regulations and statutes.

IV. DEFINITIONS

As used in this policy, the following will apply:

Execution Team: A team consisting of no less than twelve (12) members, designated by the Warden of the Southern Ohio Correctional Facility (SOCF). Their duties also include preparation and testing of equipment and carrying out pre- and post-execution activities.

Critical Incident Debriefing Team: A group selected by the SOCF Warden available to assist any persons involved in the execution process. A psychological debriefing process is available via DRC clinical staff and others to recognize stressors associated with executions and to work through them with affected staff as follows:

- Worker’s own experiences of the execution including reactions and perceptions.
- Review any negative aspects and feelings.
- Review any positive aspects and feelings.
- Relationships with workers and/or family.
- Empathy (sharing) with others.
- Disengagement from execution experience.

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January 8, 2004
• Integration of this experience into the professional work role for a positive future contribution to the overall team effort.

Stay: A court-ordered suspension or postponement of a legal execution.

Lethal Injection: The form of execution whereby continuous intravenous injection of a series of lethal drugs of a sufficient dosage is administered to cause death.

Reprieve: The postponement of an execution.

V. POLICY

It is the policy of the Ohio Department of Rehabilitation and Correction to carry out the death penalty as directed by Ohio Courts of Law. All execution processes shall be performed in a professional, humane, sensitive and dignified manner.

It is the responsibility of the Director to designate a penal institution where death sentences shall be executed. The Warden of that facility, or Deputy Warden in the absence of the Warden, is responsible for carrying out the death sentence on the date established by the Ohio Supreme Court.

VI. PROCEDURES

A. General Guidelines

1. All offenders sentenced to death by a court of law will be transported to a reception center within the Ohio Department of Rehabilitation and Correction for initial processing. Upon completion of the reception process the offender will immediately be transferred to the designated institution: Mansfield Correctional Institution (MANCI) for male offenders or Ohio Reformatory for Women (ORW) for female offenders.

2. All court-ordered executions shall be carried out at the Southern Ohio Correctional Facility (SOCF) at 10:00 a.m. on the scheduled execution date.

3. Unless otherwise designated by the Director or designee, the condemned inmate will remain on death row until transferred to the Death House at SOCF for scheduled execution.

4. The Ohio Supreme Court shall designate the date of execution. Upon receipt of a scheduled execution date, the Warden of the institution housing the inmate shall notify the Director and the SOCF Warden.

5. Attendance at the execution is governed by Administrative Regulation 5120-9-54 and includes:
• The Warden or Acting Warden of the institution where the execution is to be conducted, and such number of correction officers or other persons as the Warden or Acting Warden thinks necessary to carry out the death sentence.
• The Sheriff of the county in which the prisoner was tried and convicted.
• The Director of the Department of Rehabilitation and Correction, or his designee and any other person selected by the Director or his designee to ensure that the death sentence is carried out.
• Such number of physicians of the institution where the execution is to be conducted and medical personnel as the Warden or Acting Warden thinks necessary.
• The prisoner may select one of the following persons: a DRC chaplain, minister-of-record, clergy, rabbi, priest, imam, or regularly ordained, accredited, or licensed minister of an established and legally cognizable church, denomination or sect.
• Three persons designated by the prisoner who are not confined in any state institution subject to the approval of the Warden or Acting Warden based on security considerations.
• Three persons designated by the immediate family of the victim, subject to the approval of the Warden or Acting Warden based on security considerations, as detailed in Department Policy 212-06, Victim Involvement in the Execution Process.
• Representatives of the news media as the Director or his designee authorizes which shall include, but not be limited to, at least one representative of the following: a newspaper; a television station; and a radio station.

6. The SOCF Warden shall establish procedures for conducting executions consistent with all applicable laws, administrative codes and DRC policies. This will include the establishment of a communication system between the Governor’s Office and the SOCF Command Center.

   a. Primary communications will be via a telephone line opened directly to the SOCF Command Center from the execution chamber. This line will be tested one (1) hour prior to the scheduled execution. Other than testing, this line will remain open.

   b. Secondary communications will be via cellular telephone.

   c. In the event that both the primary and secondary communications are inoperable, the execution will be delayed until communications are established.

B. Execution Procedures

1. Approximately thirty (30) days prior to the scheduled execution date:

   a. The MANCI or ORW Warden will notify the Director by memo, with copies going to the Regional Director, DRC Chief Counsel, Assistant Director, APA,
Ohio State Highway Patrol (Portsmouth and Jackson), and the Office of Victim Services.

b. The SOCF Execution Team will begin conducting training sessions no less than once per week until the scheduled date of execution.

2. Approximately seven (7) days prior to the execution:

a. The MANCI or ORW Warden will have the Execution Information Release (DRC 1808) completed by the condemned prisoner. This information will verify information on the condemned prisoner, visitors, witnesses, spiritual advisor, attorney, requested witness, property, and funeral arrangements.

b. The names of official witnesses/media witnesses will be supplied to the SOCF Warden, as outlined in Administrative Rule 5120-9-54, Attendance at Execution and DRC Policy 003-03.

c. The names and relationships of the victim’s witnesses will be supplied to the SOCF Warden.

3. Approximately twenty-four (24) hours prior to the scheduled execution:

a. The condemned prisoner will be transferred from Death Row and housed in the Death House at SOCF. The condemned inmate will be constantly monitored by at least three (3) members of the execution team. A log will be maintained including, but not limited to, visitors, movement, mood changes, meals served, showers, telephone calls, etc.

b. The SOCF staff psychologist will interview the prisoner periodically and submit written reports to the Warden. All inmate files shall be maintained in the Warden’s office at SOCF.

c. The Warden will establish a line of communication with DRC legal staff and the Attorney General’s Office for notice of case status and/or other significant legal changes.

4. The following events will take place upon arrival at the Death House:

a. Once the condemned inmate is at SOCF, the Death House will be restricted to the following:

   Director and/or designee(s)
   Warden
   Chief Public Information Officer(s)
   Institution Deputy Warden
   Administrative Assistant to the Warden
   Chaplain
Physician
Chief of Security
Maintenance Superintendent
Any other person as deemed necessary by the Warden.

b. SOCF chaplains will make periodic visits to the condemned prisoner, if requested by the inmate.

c. The Deputy Warden of Operations will assign security personnel to staff entrances, checkpoints and to assist the Ohio State Highway Patrol (OSHP).

d. The Execution Team Leader will ensure that the prisoner’s property is inventoried in front of the prisoner. The condemned prisoner will have previously, per paragraph 2, specified who is to receive his or her personal effects.

e. The condemned prisoner will, per paragraph 2, specify in writing his/her request for funeral arrangements.

f. The Execution Team Leader will ask the condemned inmate to identify his or her last special meal request. The last meal will be served at approximately 4:00 p.m. the day prior to the scheduled execution.

g. The condemned prisoner will be allowed contact visits with family, friends and/or private clergy, as approved by the Warden, between the hours of 4:30 p.m. and 7:30 p.m. on the day prior to the scheduled execution. Cell front visits will be permitted between the hours of 6:30 a.m. and 8:00 a.m. on the day of the scheduled execution. The attorney and spiritual advisor may continue to visit with the condemned until 8:45 a.m.

h. All communication equipment will be tested, including primary and secondary communication with the Governor’s Office.

i. Key personnel will be briefed by the Warden, including medical and mental health, in order to allow intake information to be obtained.

j. The Warden will receive updates from security personnel and the OSHP on crowd control, demonstrations, pickets, etc.

k. The Chief of Security will brief the Warden on the level of tension within the remainder of the prison population.

l. The Warden will relay any out of the ordinary activity to the South Regional Director.

m. The Execution Team will continue to drill/rehearse.
5. These procedures shall be followed concerning the medications used in the execution.

   a. Upon notification to the Warden of a firm execution date, a person qualified under Ohio law to administer medications shall order a quantity of the following drugs in a timely manner from the institution’s licensed pharmacist: thiopental sodium, pancuronium bromide and potassium chloride. A sufficient quantity shall be ordered as a contingency against the contamination or other inadvertent loss of any of the drugs.

   Prior to the execution and upon arrival of the inmate at the institution, a medical review of the inmate shall be conducted to establish any unique factors which may impact the manner in which the execution team carries out the execution.

   b. On the day of the execution, the person qualified under Ohio law to administer medications shall take possession of the drugs thiopental sodium, pancuronium bromide and potassium chloride from the institution pharmacy, and shall document possession of the drugs by signing a receipt or log. The person qualified under Ohio law to administer medications shall deliver the drugs to the death house.

   The person qualified under Ohio law to administer medications shall, in the presence of a witness, give possession of the drugs to a person qualified to prepare intravenous injections. This transfer shall be documented by a receipt signed by these three parties. The person qualified under Ohio law to administer medications shall notify the command center upon the delivery of drugs and the command center shall log the time of delivery, the quantity, name and type of drugs delivered.

   c. The drugs shall be prepared for injection by a person qualified under Ohio law to administer and prepare drugs for intravenous injections. The preparation of the drugs shall be monitored by a similarly qualified witness who shall independently verify the preparation and dosage of the drugs. When the drugs are prepared, the command center shall be notified and the time of the preparation recorded. The command center shall also record what drugs were prepared, the quantity, name and dosage of the prepared drugs.

   d. The drugs shall be prepared as follows:\(^1\)

      i. Two grams of Thiopental Sodium prepared with 25 mg/cc concentration for a total of 80cc which are placed in two syringes labeled “one” and “two.”

      ii. A third syringe is prepared with 20cc of saline used as a flush and labeled as syringe “three.”

      iii. 100 mg of Pancuronium Bromide is prepared with 2mg/ml concentration for a total of 50cc which is placed into two 25cc syringes labeled “four” and “five.”

\(^1\) Depending upon the form and concentration of drugs delivered, it may be necessary to modify the preparation of syringes. In the event of any modification for any reason, a qualified witness shall review any modifications and the command center shall be notified and any changes recorded.

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iv. A syringe is prepared with 20cc of saline used as a flush and marked as syringe “six.”

v. 100 milliequivalents of Potassium Chloride are prepared with 2 meq/cc concentration for a total of 50cc. The preparation is placed in a syringe labeled “seven.”

vi. A syringe is prepared with 20 cc of saline used as a flush and marked as syringe “eight.”

e. The arm veins near the joint between the upper and lower arm will be utilized as the preferred site for the injection. In the event that the execution team is unable to prepare the inmate’s veins at the preferred site to receive the intravenous dose of drugs, a qualified medical person authorized to administer intravenous drugs shall use an alternative site to deliver the drugs as they may be authorized by law.

Upon the Warden’s signal, the injections shall be administered in the order described above by a person qualified under Ohio law to administer intravenous injections. The start and finish time of each syringe shall be reported to the command center and recorded in a log.

f. Upon completion of the injections, the curtain shall be drawn and the vital signs examined by a person qualified to determine the physical status of the inmate. After the time of death has been determined, the curtain shall be withdrawn and the time of death announced to the witnesses.

6. Approximately one (1) hour prior to the scheduled execution:

a. The prisoner will be permitted to take a shower and dress in the appropriate clothing for the execution.

b. Official witnesses to the execution will report to the institution. The victim’s witnesses will report to the Portsmouth Highway Patrol Post for escort to the institution by designated SOCF personnel.

7. Approximately fifteen (15) minutes prior to the scheduled execution:

a. The DRC Public Information Officer, or designee will be responsible for media witnesses from the holding area to the witness room prior to the condemned inmate being escorted into the execution chamber.

b. The Warden and Execution Team will escort the condemned prisoner to the execution chamber, after the death warrant has been read and media witnesses are in place.
c. The Execution Team will place the condemned prisoner on the lethal injection bed, secure straps and the intravenous injection tubes will then be inserted.

d. Victim witnesses and inmate family witnesses will be escorted to the death house separately by designated SOCF staff.

e. The Warden will ask the condemned prisoner if he has any last words. If the prisoner has a last statement, he will be allowed to make it while the witnesses are present in the adjacent viewing chambers, and are able to see him and hear him via microphone. There will be no restriction on the content of the condemned prisoner’s statement and no unreasonable restriction on the duration of the prisoner’s last statement.

8. Execution:

a. The Warden will give the signal to commence the execution process.

b. The designated members of the execution team will then activate the execution cycle.

c. Once the execution cycle is completed, the curtains will be drawn and the designated personnel will examine the body and pronounce the prisoner dead.

d. The curtains will be opened for the Warden to pronounce the time of death. Witnesses will be escorted from the Death House.

9. Post-Execution:

a. The Warden, or his designee, will notify the Director that the execution has been carried out.

b. The Execution Team will remove the deceased from the execution bed, and place him or her on a gurney.

c. Disposition of the body will be in accordance with arrangements made prior to the execution at the prisoner’s request.

d. The Warden will sign and return the death warrant to the court, indicating the execution has been carried out.

10. Debriefing:

a. The Warden will ensure that critical incident debriefings are available for the Execution Team and staff participants immediately following the execution.

b. The critical incident debriefing team will conduct interview in accordance with CIM guidelines.
DRC 1808 (7/03)
Death Warrant

The State of Ohio, Hamilton County,
TO THE SHERIFF OF SAID COUNTY:

WHEREAS, on the day of , , as is shown by the record of proceedings of said Court, was sentenced to be executed by the application to his/her person of a lethal injection or a drug or combination of drugs of sufficient dosage to quickly and painlessly cause death, the application of the drug or combination of drugs to be continued until the person is dead, to be inflicted within the appropriate facility designated by the Director of Rehabilitation and Correction on the day of , in the year of our Lord . You are commanded that within thirty days from this day of , of the year of our Lord and , in a private and secure manner, you convey the prisoner, the said to the designated facility where the said prisoner shall be received by the Warden or Deputy Warden and kept until the day designated for his/her execution.

And the Warden or Deputy Warden of said Facility is hereby commanded to proceed on the date named in this Warrant, to cause the said prisoner to be so injected as herein before described; and he shall forthwith make return to the undersigned Clerk of Courts of the County from whence the said prisoner was sentenced, the manner of his execution of this Warrant and his doing thereon.

Witness my hand and the Seal of said Court at Cincinnati, Ohio, this day of ,

GREGORY HARTMANN, Clerk of Courts of Hamilton County

WARDEN’S RETURN

Warden’s Office, designated facility,

To the Clerk of Hamilton County, Ohio:

On the day of , , I received this, your Warrant, together with the prisoner named herein, whom I kept until the day designated for his/her execution and on the day of , I caused the said prisoner, to be executed by causing the application to his/her person of a lethal injection of a drug or combination of drugs of sufficient dosage to quickly and painlessly cause death and the application of the drug or combination was continued until he/she was dead.

WARDEN
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