

## Partial Dissenting Statement of Senator Bill Seitz

I join the Dissenting Report as to Task Force Recommendations 1, 4, 5, 17, 30, 32, 33, 34, 35, 36, and 47.

As to Recommendations 5, 30, 32, 33, 34, 35, 36, and 47, I dissent for the reasons stated in the Dissenting Report.

As to Recommendation 1, in addition to the reasons stated in the Dissenting Report, I dissent because this very issue was considered and rejected by the General Assembly when it enacted Sub. S.B. 77, only a few years ago. It is no more politically feasible today than it was then.

As to Recommendation 4, if legislation was enacted to require all crime labs to be certified, Recommendations 2 and 3 would be moot. The subcommittee specifically charged with looking at the crime lab/coroner's office issues, which I chaired, made Recommendations 2 and 3 because we knew that recommendation 4 would be costly and politically infeasible.

As to Recommendation 17, the inclusion of the phrase "other like factors as determined by the General Assembly" means that the General Assembly could, consistently with the recommendation, provide that fingerprint evidence, accomplice and co-conspirator testimony, and eyewitness testimony would all be deemed sufficient evidence upon which to impose a death sentence. With these specific additions, I would have had no problem supporting Recommendation 17. Since the Majority declined to include these specific additions as examples of the kind of "other like factors" that ought to be sufficient evidence, in an abundance of caution I join the Dissenting Report on Recommendation 17, even though I believe the Dissenting Report fails to note that the recommendation itself gives the General Assembly additional leeway to define other kinds of evidence that are sufficient to impose the death penalty.

The Dissenting Report makes a number of other valid objections to some of the Recommendations (e.g., Recommendations 3, 38, 51, and 52), but I believe these objections can be addressed through more careful implementation of the Recommendations and do not warrant their outright rejection.

Throughout the Task Force's deliberations, I cautioned that we risk legislative rejection of the entire Report to the extent that the recommendations included the kind of aggressive ones from which I dissent today. I hope that is not the case, because most of the recommendations are reasonable, measured steps that Ohio can take to ensure that the death penalty is reserved for the worst cases and only imposed upon a meticulously fair record, thereby minimizing the chance that any innocent would actually be executed for a crime that he or she did not commit. To be sure, some of the recommendations are as unobjectionable as they are aspirational and non-specific (e.g., Recommendation 19, support victims' families; 41, remove impediments to fair

and timely resolution of cases; and 45, use "plain English" in jury instructions and at trial). Fortunately, most of the recommendations that enjoyed widespread support from the Task Force are very specific and I hope the General Assembly and the Judicial Branch proceed to implement as many of them as enjoyed that widespread support.

A handwritten signature in black ink, appearing to read "Bill Seitz", written over a horizontal line.

Senator William J. Seitz

Per the enclosed emails, Judge Roger Wilson and State Representative Margaret Condit join in this Partial Dissent.

## Lapso, Alexander

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**From:** Connell, Amanda  
**Sent:** Friday, April 25, 2014 3:59 PM  
**To:** Lapso, Alexander  
**Subject:** FW: Death Penalty Task Force

**Follow Up Flag:** Follow up  
**Flag Status:** Flagged

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**From:** Roger Wilson [mailto:jrbw4all@hotmail.com]  
**Sent:** Friday, April 25, 2014 12:54 PM  
**To:** Connell, Amanda  
**Subject:** Death Penalty Task Force

After a review of the proposed Death Penalty Task Force report and the dissenting report, I join in your well-reasoned partial dissent.

Thank you for all of your efforts in this important task force.

Roger B. Wilson, Retired Common Pleas Judge and Death Penalty Task Force member

## Lapso, Alexander

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**To:** Markee.Osborne@ohiohouse.gov  
**Subject:** RE: Rep. Conditt

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**From:** Markee.Osborne@ohiohouse.gov [mailto:Markee.Osborne@ohiohouse.gov]  
**Sent:** Friday, April 25, 2014 5:36 PM  
**To:** Lapso, Alexander  
**Subject:** FW: Rep. Conditt

Rep. Conditt's response below – sign her on!

Thanks,

**Markee Osborne | *Legislative Aide***  
Office of State Representative Margaret Conditt | District 52  
Ohio House of Representatives | 77 S. High St. Columbus, OH 43215  
Phone: 614-466-8550 | [Markee.Osborne@ohiohouse.gov](mailto:Markee.Osborne@ohiohouse.gov)

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**From:** Margy Conditt [mailto:margyconditt@gmail.com]  
**Sent:** Friday, April 25, 2014 5:33 PM  
**To:** Osborne, Markee  
**Subject:** Re: Rep. Conditt

I'll sign on!!

Sent from my iPhone

On Apr 25, 2014, at 3:31 PM, "[Markee.Osborne@ohiohouse.gov](mailto:Markee.Osborne@ohiohouse.gov)" <[Markee.Osborne@ohiohouse.gov](mailto:Markee.Osborne@ohiohouse.gov)> wrote:

This was forwarded to me from Senator Seitz office for your regards. If you would like to sign on they ask that we do it by today – but I told them you were traveling, so it may have to be Monday morning as soon as possible if you choose to do so.