Ohio Innocence Project Helps Raymond Towler—Ohio's Longest-Serving Wrongfully Convicted Inmate—to Freedom After 29 Years in Prison

Raymond Towler, who has served nearly three decades in prison for a crime he did not commit, was released as a free man on May 5, 2010, thanks to the efforts of the Ohio Innocence Project at the University of Cincinnati College of Law.

Towler is the longest serving wrongfully incarcerated inmate to be released in Ohio history, and one of the longest in United States history. He is the 10th individual released through the efforts of the Ohio Innocence Project since its founding in 2003.

"It's hard to believe he's been in prison for 30 years—it's hard to wrap my mind around that," says Eric Gooding, who was one of the UC law students who worked on Towler's case. "But his patience was amazing. He never seems angry when you talk to him."

DNA testing completed May 3 conclusively proved that Towler was not the perpetrator in a juvenile rape and assault case that occurred on May 24, 1981, in Cleveland. Towler, who is now 52 years old, was convicted and sentenced to life in prison on September 18, 1981.

UC law students who worked on Towler's case include recent graduates Eric Gooding and Brian Howe, and third-year students Matt Katz and Chris Brown.

Cuyahoga County Common Pleas Judge Eileen Gallagher wept during a final hearing as she read the words that freed Towler. "It was great to see, and it got very emotional," says Brian Howe, who was also in attendance at the hearing in which Towler was freed. "The judge read that old Irish prayer about 'May the road rise up to meet you,' and then she made an eloquent speech. She got very emotional at the end."

Back in 2008, Howe and Gooding were disappointed when they received the results from an initial batch of testing. They had hoped the results would have cleared Towler, but, unfortunately, the results were deemed not conclusive enough by the justice system. "He's always been upset, though," Howe said of Towler. "One of the downsides of working with the Innocence Project is that the cases take so long that most times you aren't around to see them end. But I loved working with the Innocence Project, and now this is a great gift to have occur during the same week as graduation."

Howe and Gooding took part in the UC College of Law's 177th annual Hooding Ceremony a few days after Towler was released.

Other members of the Ohio Innocence Project who have been working on Towler's case since 2004 were in attendance at the hearing, as were attorneys who represented Towler from the law firms of Jones Day and Berkman, Gordon, Murray & DeVan.

Among those who worked on Towler's behalf were:

• Mark Godsey, director of the Ohio Innocence Project
• David Laing and Carrie Wood, staff attorneys with the Ohio Innocence Project
• David B. Alden, attorney for Raymond Towler from Jones Day law firm
• James E. Young, attorney for Raymond Towler from Jones Day law firm
• Ann C. Weinzimmer, attorney for Raymond Towler from Jones Day law firm
• Mark R. DeVan, counsel for Raymond Towler from Berkman, Gordon, Murray & DeVan law firm
• John Parker, a Cleveland-based lawyer who assisted with the case

(News story courtesy of UC News)
What is the Ohio Innocence Project?

The Ohio Innocence Project (OIP) seeks to identify and assist prison inmates who claim to be actually innocent of the crimes for which they were convicted. The OIP will review an inmate’s request and conduct an investigation to determine whether the request meets OIP review and screening criteria. The OIP will work only on those cases where new evidence, whether newly discovered or developed through investigation, supports the inmate's claim of innocence.

The best type of new evidence is physical evidence (i.e., DNA) that was not tested prior to trial. The OIP also will work on cases that do not involve DNA if the appropriate criteria are met. While there is no fee for OIP services, inmates may be required to pay for DNA testing or other expert witness fees.

Meet the OIP Team


• 5079 (The number of case review requests received by the OIP since 2003)
• 287 (The number of cases that the OIP is actively investigating or litigating)
• 34 (The number of cases OIP is actively litigating)
• 258 (The number of US DNA exonerations)
• 7 (The number of exonerations obtained thus far by OIP)
• 3 (The number of “releases” by parole board or Governor (clemency) where OIP has asserted innocence)
• 10 (The number of OIP clients released or exonerated on grounds of innocence)

Director—Mark Godsey
Staff Attorneys—Jennifer Bergeron, Karla Hall, and Carrie Wood
Administrative Coordinator & Policy Analyst—Jodi Shorr
OIP Interns—Jessica Sarko and Jenny Brown

The OIP is currently reviewing cases of inmates housed in 26 state correctional institutions. Their cases come from 50 Ohio counties. As a result of the wide distribution of inmates and cases around the state, fellows and staff spend many hours reading and writing letters and speaking with inmates about their cases. Prior to actively taking on a case, the OIP staff and fellows will meet the inmate in person to discuss the case, the plan for litigation, and all expectations of the case.

The prospect of innocents languishing in jail or, worse, being put to death for crimes that they did not commit should be intolerable to every American, regardless of race, politics, sex, origin, or creed.

Mark Godsey in Johannesburg with members of the Justice Project at Witswatersrand University. In July 2010, Professor Godsey spoke at Witswatersand Law School about the international innocence movement, and met extensively with members of the Justice Project in South Africa. The Justice Project works to free the wrongfully convicted in South Africa, pictured left to right Mark Godsey, Nantie Steyn, Michele Berry Godsey, Jeremy Gordin (Director) and Margaret Renn.

Date

OIP Milestone

January 2002
University of Cincinnati College of Law Dean Joseph Tomlin, College of Law Professor Jack Chev, Cincinnati City Councilman John Cranley, and local attorney Bill Gallagher, along with many others, meet to discuss plans to establish an Innocence Project. Initial funding by Tom and Cathy Crain helps start the Urban Justice Institute to study inequality in the criminal justice system.

May 2003
The Ohio Innocence Project launched with co-directors John Cranley and Mark Godsey as part of the Urban Justice Institute.

September 2004
The Urban Justice Institute becomes the Rosenthal Institute for Justice as a result of a generous gift from Lois and Richard Rosenthal.

February 2005
Gary Reece paroled on grounds of innocence after spending 25 years in prison for rape.

December 2005
Clarence Elkins exonerated from a life sentence after serving seven years for murder and rape that DNA testing proved he did not commit.

May 2006
Chris Bennett's conviction overturned by court of appeals, following DNA testing which proved he was not the driver of a vehicle that crashed and caused a death years earlier.

July 2006
Senate Bill 262 becomes law. This bill, drafted by the OIP, expands the eligibility for post-conviction DNA testing.

January 2008
Test of Convictions published in Columbus Dispatch. This award-winning series, which was part of a joint project between OIP and the Dispatch, highlighted the need for reform in Ohio’s criminal justice system to protect the innocent, and identified 30 cases in which DNA was needed to conclusively prove innocence or guilt.

January 2008
Bruce Paul released by Parole Board after serving over 14 years in prison for rape.

August 2008
Robert McClenond exonerated after serving 18 years for a rape that DNA testing proved he did not commit.

August 2008
Senate Bill 77 introduced in the Ohio Senate, proposing state-wide requirements for biological evidence preservation, expansion of the eligibility for post-conviction DNA testing, recording of custodial interrogations, and eyewitness identification procedures.

March 2009
Joseph Fears exonerated after serving 25 years for a rape that DNA testing proved he did not commit. This was a result of a renewed investigation for evidence in Franklin County following the exonerations of Robert McClenond.

June 2009
Nancy Smith and Joseph Allen exonerated in the child molestation case for which they had always maintained innocence.

June 2009
Senate Bill 77 passed in the Senate. Advocacy for the bill was provided by the OIP, Columbus Dispatch, and former Ohio Attorney General Jim Petro.

November 2009
Wilke Brighten, Jr., released after wrongful murder conviction when Governor Strickland granted clemency in the face of mounting evidence of innocence.

April 2010
Senate Bill 77 signed by Governor Strickland and becomes law, making Ohio the national model regarding innocence protection reforms.

May 2010
Raymond Towler exonerated after serving 29 years in prison for a rape DNA testing proved he did not commit.

Strickland Signs SB77 (continued from pg. 1)


(Original news story courtesy of UC News)
though all of the evidence indicates that Glenn never worked for the store. Glenn “confessed” to murdering Mr. White because he fired Glenn from the store even disabling a security system that did not exist, inflicting injuries to the wrong part of the perpetrator. DNA Diagnostics Center has agreed to perform DNA testing on the teeth involving the alternative suspect is currently being litigated in state court in Dayton. The issue answered regarding this case sometime in 2011.

Roger Dean Gillispie, Moving forward in state and federal courts

The OIP has been working on Roger Dean Gillispie’s case since 2003. Gillispie is one of the few “non-DNA” cases that the OIP has been involved in on a number of occasions, including the OIP's unusual, unique involvement involving the underlying issue is whether or not the State violated Gillispie’s constitutional rights in failing to turn over the reports. The issue determined to be the murder weapon. On April 29, 2010, the OIP received the court's decision: DNA testing will go forward. Fortunately, the Summit County Prosecutor’s Office chose not to appeal the decision. The case is now proceeding forward with free DNA testing provided by DDC in Fairfield, Ohio. As a result, determining Dewey’s guilt or innocence once and for all will not cost the taxpayers a dime.

Dewey Jones, DNA testing granted

On April 3, 2010, Dewey Jones sat quietly and watched as the hearing concluded. He had been in prison for more than 15 years for aggravated murder and aggravated robbery, and had always asserted his innocence. Dewey has been trying to get DNA testing in his case since October 2009. On April 5, 2010, Judge Sugarmore of the Tenth District Court of Common Pleas granted the motion to proceed with forensic DNA testing. The purpose of the hearing on April 5th was to determine whether DNA testing should go forward on a number of items, including the OIP’s request to connect the original detectives assigned to the case who had eliminated Gillispie as not being a viable suspect, and had written reports to that effect. These reports were not turned over to the defense prior to Gillispie’s trial. In addition, compelling evidence was developed connecting an alternative suspect to the rapes for which Gillispie was convicted. This alternative suspect was not only exactly the composite sketch of the perpetrator in this case, and committed copyscat rapes after Gillispie was arrested, but he told people things eerily similar to what the rapist told the victims in this case: that he was a contract killer, that he is from Columbus and Texas, that he was molested at age 12, and many other very specific. On May 26, 2010, the Ohio Supreme Court dismissed the OIP client David Ayers the right to DNA testing in his case, after the OIP attorney that the Judge had already decided to grant Tinney’s motion to withdraw his guilty plea. At the prosecutor’s request, the Judge then arranged for the OIP attorney to meet the prosecutor for plea negotiations. At no time did either the Judge or the prosecutor notify the OIP attorney that the Judge had already decided to grant Tinney’s motion to withdraw his guilty plea or that the Judge and the prosecutor had engaged in multiple discussions regarding the fact that the Judge intended to grant the motion. After plea negotiations were unsuccessful, the Judge removed himself from the case at the prosecutor’s request. The case now must begin again before the only other Common Pleas Judge in Richland County. Meanwhile, Mr. Tinney remains incarcerated.

Glenn Tinney, Ex-partes conversations stall reversal of guilty plea

In 1988, a person entered the Akron Waterford Hotel in broad daylight and beat the hotel manager unconscious, stabbing him with a blunt object. Nearly five years after the murder, Glenn Tinney, a man who struggles with severe mental illness, confessed to the murder. Although his guilty plea was quickly accepted without objection from his court-appointed attorney, Glenn “confessed” to using the wrong murder weapon, at the wrong time of day, in the wrong part of the store, disabling a security system that did not exist, inflicting injuries to the wrong part of the victim’s body, and stealing items during the murder that were never stolen. In addition, Glenn “confessed” to murdering Mr. White because he fired Glenn from the store even though all of the evidence indicates that Glenn never worked for the store.

Case Updates

Below are summaries of some of the 34 cases OIP is currently litigating.

David Ayers, Court of appeals victory

Last year’s victory in the Eighth District Court of Appeals awarded OIP client David Ayers the right to DNA testing in his case, after the prosecution had fought against testing for more than 2 years. The prosecution then appealed this decision to the Ohio Supreme Court. On May 26, 2010, the Ohio Supreme Court dismissed the prosecution’s appeal and the case returned to the trial court for testing. Ayers was convicted in 2000 of the aggravated murder of an elderly woman who struggled in a retirement complex where she worked and lived. Unreliable “jailhouse snitch testimony” was the primary basis for Ayers’ conviction. The snitch claimed Ayers confessed to him in prison, and all charges against the “snitch” were dropped after he recanted. From the crime scene, the police collected pubic hair (including from inside the victim’s mouth), blood, fingernail scrapings and eventually a rape kit. The prosecution is now contesting the OIP’s victory in the Court of Appeals, claiming that decision only authorized testing of limited and not all items from the crime scene. Hopefully, this will mean that Ayers really will soon be set free. The OIP will move forward to testing so that a more definitive answer as to Ayers’ guilt or innocence can be determined. We should obtain a definitive result in late 2010 or early 2011.

Jodi Shorr

• presented a CLE to the Greater Cincinnati Criminal Defense Lawyers Association in July 2010 regarding SB77 changes to line up procedures, recording of interrogations and DNA collection, as well as changes to Ohio’s discovery rules.
• spoke to Heads of Juvenile Public Defenders Offices and Organizations from across Ohio on the work of OIP and SB77 in July 2010.
• presented to the OIP and wrongful convictions with Robert McClendon in April 2010 for the Cincinnati Academy of Leadership for Lawyers.

Spreading the Word: Where Have OIP Folks Been Speaking?

Mark Godsey

• gave a lecture in July 2010 on wrongful convictions at Witwatersrand Law School in Johannesburg, South Africa.
• appeared numerous times on the Bill Cunningham show on WLW to discuss issues of wrongful conviction, and to discuss the unfortunate passing of Gary Reece in June 2010.
• gave a public lecture in June 2010 with Jim Petro and exoneree Robert McClendon, Clarence Elkins and Raymond Towler to approximately 150 Ohio judges at the annual Ohio Common Pleas Judges’ Association at Miami University in Dayton.
• appeared on NPR, NBC and many other national news programs regarding the May 5th, 2010 exoneration of Raymond Towler of Cleveland.
• spoke on wrongful convictions in May 2010 at the annual Sixth Circuit Judicial Conference for federal trial and appellate judges in the jurisdiction of the Sixth Circuit Court of Appeals.
• testified numerous times in the Ohio House of Representatives in favor of Senate Bill 77, which Governor Strickland signed into law on April 5, 2010.
• moderated a panel at the annual Innocence Network convention in Atlanta.
• gave a public lecture with exoneree Clarence Elkins in April 2010 at Ohio University in Athens, Ohio.
• spoke with exoneree Clarence Elkins in February 2010 at a Sunday Salon for Women Helping Women, held at the home of Dean Louis Bilingius and Professor Armin Zuercher.
• organized and moderated a panel of experts on wrongful conviction at the January 2010 convention of the Association of American Law Schools in New Orleans.

Jennifer Bergeron

• gave a presentation about the innocence movement and recent OIP cases at the National Association of Appellate Court Lawyers Conference in Louisville in May 2010.
• gave a lecture in February 2010 at a Sunday Salon for Women Helping Women, held at the home of Dean Louis Bilingius and Professor Armin Zuercher.
• spoke to the OIP and wrongful convictions with Robert McClendon in April 2010 for the Cincinnati Academy of Leadership for Lawyers.

Jodi Shorr

• spoke to high school seniors through the Law and Leadership program at UC about the work of the Ohio Innocence Project in July 2010.
• spoke to the Osher Lifelong Learning Institute (Olli) program at UC about the work of the Ohio Innocence Project in May 2010.

Carrie Wood

• presented a CLE to the Greater Cincinnati Criminal Defense Lawyers Association in July 2010 regarding SB77 changes to line up procedures, recording of interrogations and DNA collection, as well as changes to Ohio’s discovery rules.
• spoke to Heads of Juvenile Public Defenders Offices and Organizations from across Ohio on the work of OIP and SB77 in July 2010.
• spoke to Ninth Graders through the Law and Leadership program here at UC about the work of the Ohio Innocence Project in Robert McClendon in July 2010.
• presented regarding the work of Innocence Projects to visiting delegation of Armenian attorneys at the University of Cincinnati College of Law in July 2010.

Karla Hall

• spoke to two different groups of criminal justice students at Miami University—one by herself and once with Robert McClendon and Joseph Fears in February 2010.
• spoke to students at the Summit Country Day School as part of a speaker series on justice in May 2010.
• spoke to several church groups and senior citizen volunteer groups around Cincinnati and central Ohio.

Many years later, at the request of detectives from the Mansfield Police Department (including the current Chief of the Major Crimes Unit), the Ohio Innocence Project became involved in this case. In October 2009, an OIP attorney filed a motion to withdraw Glenn’s guilty plea. The State objected, and the motion became ripe for adjudication. In May 2010, the Richland County Common Pleas Judge assigned to the case determined that the motion should be granted, and Tinney should be allowed to withdraw his nearly 18-year-old guilty plea. However, instead of issuing a ruling granting the motion, the judge telephoned the prosecutor (without the knowledge of anyone from the OIP) to inform the prosecutor that the judge intended to grant the motion. After April 5, 2010, the prosecutor’s request, the Judge then arranged for the OIP attorney to meet the prosecutor for plea negotiations. At no time did either the Judge or the prosecutor notify the OIP attorney that the Judge had already decided to grant Tinney’s motion to withdraw his guilty plea or that the Judge and the prosecutor had engaged in multiple discussions regarding the fact that the Judge intended to grant the motion. After plea negotiations were unsuccessful, the Judge removed himself from the case at the prosecutor’s request. The case now must begin again before the only other Common Pleas Judge in Richland County. Meanwhile, Mr. Tinney remains incarcerated.
The Passing of Former OIP Client Gary Reece

We are sad to report that the first inmate the OIP helped to be released from prison—Gary Reece—died on July 26, 2010 after battling cancer for nearly 2 years. He was 51. Gary spent 25 years in prison for a rape and attempted murder he did not commit. He enjoyed more than 5 years of freedom after the parole board unanimously granted his release in 2004 following the discovery of new evidence that strongly suggested he was innocent. Gary was a friend and inspiration to many lawyers and students who served in the OIP over the years. His greatest gifts were his zest for life and positive attitude. Despite spending half of his life behind bars for a crime he didn’t commit, and despite contracting cancer shortly after his release, Gary never let these obstacles affect his upbeat disposition. Gary told a friend shortly before his death that he was confident in the afterlife because he had seen the face of God. He said that he had seen the face of God in his wife Rita—who met and married Gary while he was still in prison—and in the faces of the law students who helped him obtain his long-sought freedom and vindication. Gary will be sorely missed and will remain an inspiration to those who were fortunate enough to know him.

Thank You!

The Ohio Innocence Project also wishes to thank the following people for their continued support and assistance:

Assistance:

- Dave Alden, Jim Young, and Ann Netzel of Jones Day Cleveland, for their outstanding pro bono work on several OIP cases
- Mark DeVan of Berkman, Gordon, Murray & DeVan for his pro bono effort in the Raymond Towler case
- Bill Gallagher for his pro bono assistance in the Bryant Gaines case
- Jim Petro, former Attorney General of Ohio, for his efforts in the Roger Dean Gillispie case and in pushing SB77 through the Senate
- Senators Bill Seitz and David Goodman for their tireless efforts in getting SB77 successfully through the Senate with a 32-1 vote
- Exonerees Clarence Elkins, Robert McClendon, Walter Smith, and Danny Brown, for their efforts in testifying and supporting SB77 on numerous occasions in committee hearings before the Senate
- Representatives Tyrone Yates, Bill Coley, Carlton Weddington, and Connie Pillich for their work in support of SB77 in the House
- The Innocence Project staff, particularly Rebecca Brown, Zeke Edwards, and Steve Saloom, for their continued advice and assistance throughout the legislative process

Financial Support FY 10-11:

- Adath Israel Congregation
- Dr. David R. Argo
- Ms. Susan G. Arruda
- Pat A. Belanoff, Ph.D.
- Ms. Paula Y. Begg Muething
- Mr. Joseph A. Brunt
- Mr. Paul A. Breidenbach
- Mr. Gabriel J. Chin
- Cincinnati Bar Association
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- Ohio State Bar Foundation
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- John and Francie Pepper
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