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September 15, 2005

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By Email Attachment

Mr. Gary K. Croft
Chairman, Ohio Parole Board
1050 Freeway Drive North
Columbus, OH 43229

RE: Clemency Application of John G. Spirko, Jr.

Dear Mr. Croft:

I am writing with regard to the materials we received yesterday from the Ohio Attorney General's Office relating to issues raised by members of the United States Postal Service regarding Paul Hartman's credibility and the Spirko case. These materials raise significant and deeply disturbing issues that require the immediate assistance and intervention of the Parole Board.

I would first note that it appears that the Attorney General's Office received these documents no later than September 2, 2005. It is inconceivable why the Attorney General's office would have waited until yesterday to notify the Parole Board and counsel of these very serious matters, especially knowing that time is very much of the essence given the difficult schedule under which we are all operating. I would also note that Judge Carr did not rule on Spirko's Motion for Relief from Judgment until September 6, 2005. Judge Carr clearly should have been provided these materials while the case was still decisional before him. Indeed, the Attorney General's Office filed a reply brief with Judge Carr after receiving these materials and becoming aware of these serious issues and yet chose not to reveal either the materials themselves or the substance of the matters discussed therein.

As the Parole Board well knows, Spirko believes very strongly that a careful review of the record reveals that his conviction and death sentence is based almost entirely on the word of Paul Hartman. Accordingly, Mr. Hartman's credibility becomes absolutely critical in assessing the validity and legitimacy of that conviction and death

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sentence. As we demonstrated at the initial Parole Hearing, Mr. Hartman has lied in sworn testimony given recently in this matter before Judge Carr and has also himself testified that he has deliberately sought to mislead defense counsel in matters before Judge Carr. According to the letter from Postal Inspector Duerr, which we received just yesterday, Mr. Hartman has been the subject of at least one significant investigation by the postal service regarding complaints about his behavior as a postal inspector. (Mr. Duerr states that "I witnessed unprofessional comments and, in some instances, conduct bordering on criminal.") This revelation is particularly stunning given the fact that Mr. Hartman recently testified at his deposition under oath that he had not been subject of any complaints, except for one instance involving the discharge of his firearm. It would now appear that Mr. Hartman again lied during his deposition and that counsel were misled by that lie in concluding that no complaints or investigations of Mr. Hartman existed that needed to be pursued.

It is also unfortunately clear from Mr. Duerr's letter that he has been the subject of threats and retaliation by the Postal Service if he continues to bring issues concerning Mr. Hartman to light. It is also clear from Mr. Duerr's letter that many, if not all, of Mr. Hartman's former colleagues in the Cleveland office of the United States Postal Inspection Service have grave concerns about the Spirko case and Mr. Hartman's role in it. (Mr. Duerr states that "[b]ased on the information presented in the articles and conversations with inspectors who were in the Division at the time [1982-84], it appears an individual who did not commit the crime is going to be executed. Needless to say, most if not all inspectors in Cleveland have concerns about what is transpiring.")

Under these circumstances, we believe it is absolutely necessary that the Parole Board understand fully whatever complaints or investigations have occurred regarding Mr. Hartman and understand fully the concerns that Mr. Hartman's former colleagues have with respect to Mr. Hartman's role in the Spirko case. We therefore respectfully request that the Parole Board demand and request that the United States Postal Service immediately make available to the Parole Board and counsel for both sides all materials in its possession that reflect upon these most serious matters and make available to the Parole Board and counsel Mr. Duerr and all other former colleagues of Mr. Hartman who have expressed any concerns with regard to Mr. Hartman's behavior, credibility, or any other matter relating to Mr. Hartman's role in the Spirko case.

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We appreciate your prompt attention to this most serious matter.

Sincerely,

A handwritten signature in black ink, appearing to read "Thomas C. Hill". The signature is fluid and cursive, with a large initial "T" and "C".

Thomas C. Hill

cc: Timothy D. Prichard, Esq. (by email attachment)
Chuck Wille, Esq. (by email attachment)