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October 17, 2005

**By Email Attachment and Federal Express**

Mr. Gary R. Croft  
Chair  
Ohio Parole Board  
1050 Freeway Drive North  
Columbus, OH 43229

**Re: Spirko v. Anderson, Case No. 3:95-CV-7209**

Dear Mr. Croft:

As the members of the Parole Board are likely aware, John Willier has been located by the Cleveland Plain Dealer, and he has reaffirmed the statement he made in 1997 to Wyandot County Investigator Bill Latham that Dale Dingus had told him that Dingus was involved in the Mottinger murder, which occurred as a result of a botched drug pick-up, and that Dingus had threatened Willier should he ever reveal this information. Willier further identified a piece of the paint-splattered shroud in which Mrs. Mottinger's body had been discovered as a part of the dropcloth he and Dingus had been using to paint houses in Findlay during the summer of 1982. Dingus was running his painting business out of a barn, less than a quarter of a mile from the place Mrs. Mottinger's body had been found. Willier has yet again agreed to take a polygraph. (The Plain Dealer article, which was published yesterday and is titled "Painter: Give Me Polygraph in Spirko Case," is attached to this letter.)

The statement that Willier made to Latham and that he now has repeated to the Plain Dealer is the same statement that Willier made to us and that he affirmed in writing when he met with us. Latham's affidavit, which Willier corrected, signed, and adopted, is also attached to this letter.

Willier confirmed to the Plain Dealer that he has never been contacted by federal authorities about the Mottinger case, even though he made clear to Latham and to us that

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he was willing to speak with the authorities. The State's unwillingness to pursue this lead, first presented to them by Latham in 1997, is unconscionable, reckless, and evidences a complete lack of sincere interest in learning what happened to Mrs. Mottinger. On that basis alone, the Parole Board should now recommend to Governor Taft that he grant executive clemency to Mr. Spirko. When the State is presented with a witness, John Willier, who asserts that someone with the opportunity, means, and motive to commit this crime has confessed to him, when that that person, Mr. Dingus, has no connection whatsoever to John Spirko, and when Mr. Willier volunteers to take a polygraph, the State's failure to do any follow-up is beyond irresponsible. Mr. Spirko simply can not be executed under these circumstances.

This development is particularly disturbing because it now appears that it was Postal Inspector Paul Hartman who dismissed out of hand the possibility that Mr. Willier's information, conveyed by Investigator Latham, could help solve the Mottinger murder. (See documents from Hartman's desk file, attached, which were recently unsealed pursuant to a court order.) As the members of the Parole Board know, Spirko has now submitted abundant evidence that Spirko contends completely impeaches Hartman's credibility and the credibility and truthfulness of his investigation. To learn now that it was Mr. Hartman who apparently minimized the importance of the Willier information, as brought forth by Latham, makes the State's failure to follow-up on this information all the more egregious; it is as if the proverbial fox is guarding the henhouse.

No one from the Ohio Attorney General's Office, the Van Wert County Prosecuting Attorney's Office, the United States Postal Inspection Service, or the Federal Bureau of Investigation has followed up in any way. It is nothing short of incredible that no one has even interviewed Mr. Willier. In addition, it is distressing that there has been no effort of follow-up forensically or scientifically. The shroud has not been processed for DNA evidence, which if present could be linked to Mr. Dingus or his crew. Mr. Wille acknowledged at the hearing last week that in 1984 there was no scientific test to match the paint on the shroud with paint used by Dingus and his crew; these tests might very well exist in 2005. The State should on its own be processing the shroud for DNA evidence; instead, it has resisted our efforts to make the shroud and other evidence available for DNA testing.

Standing by itself, the State's egregious failure over the past eight years to follow-up on this information is sufficient to require the grant of executive clemency to Mr. Spirko. Mr. Willier has now reaffirmed his earlier statements, made in a sworn affidavit,

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that Dale Dingus has acknowledged his responsibility for the Mottinger crime, and that as far as Willier knows, John Spirko had no connection or association with Mr. Dingus or Mr. Willier.

Mr. Spirko is innocent of the Mottinger crime, and the Parole Board should recommend that Governor Taft grant him executive clemency.

Sincerely,

A handwritten signature in black ink, appearing to read 'Thomas C. Hill', with a large, sweeping flourish at the beginning.

Thomas C. Hill

cc: Charles Wille, Esq. (by email attachment)