



October 31, 2005

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By email attachment and first class mail

Paul F. Keppler, Jr., Esq.
Chief Division Counsel
Federal Bureau of Investigation
1501 Lakeside Avenue
Cleveland, Ohio 44114

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

Dear Mr. Keppler:

I have Theodore Wasky's letter to me dated October 24, 2005, in which he requests that I direct any further correspondence to you. As you likely know, I represent John Spirko, who was been convicted and sentenced to death in connection with the abduction and murder of the Elgin, Ohio postmistress, Betty Jane Mottinger.

I write strenuously to renew my request that the FBI immediately interview John Willier, who has knowledge and information that suggests that Dale Dings, not John Spirko, is responsible for the Mottinger crime, and that John Spirko is innocent. I also request that the FBI do all appropriate follow-up, including interviewing Dale Dings, currently incarcerated in Louisiana, as well as conduct all available DNA and other forensic testing on the tarp in which Mrs. Mottinger's body was discovered.

In Mr. Wasky's response to me of October 24, 2005, the FBI declined to interview and polygraph John Willier notwithstanding the fact that since 1997 he has been asking to be interviewed and polygraphed by federal law enforcement concerning information he has about the Mottinger crimes. Mr. Wasky suggested that we could have him privately polygraphed.

As you may be aware, the Center on Wrongful Convictions of Northwestern University School of Law has taken an interest in this case. (Professor Steven Drizin, the legal director of the Center on Wrongful Convictions, appeared at both of the recent clemency hearings.) As a result of the complete failure of federal and state law enforcement to act responsibly with respect to this matter, and Mr. Spirko's November 15

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execution date fast approaching, the Center on Wrongful Convictions arranged and paid for Mr. Willier to be polygraphed. Robert Campbell, a 33-year veteran of the FBI and their Regional Polygraph Examiner and a past President of the Tennessee Polygraph Association, conducted the polygraph exam on October 26, 2005, in Winchester, Tennessee. At the exam, Mr. Willier gave a statement in which he asserted, among other things, the following:

- he has never met John Spirko;
- he has never known Betty Jane Mottinger;
- in the summer of 1982 he worked for Dale Dingus painting a house in Findlay, Ohio, on Glendale Avenue;
- he had been shown a piece of tarp that he immediately recognized as having come from one of the tarps used at the Glendale Avenue painting job;
- on that painting job, every evening after work all the painting materials, including the tarp, were secured in the garage by Dale Dingus with a lock to which Mr. Dingus only had the key;
- prior to the Spirko trial, Paul Hartman had told him and his father not to speak to Spirko's lawyers; and
- sometime in the early 1980s, Dale Dingus had invited him to go smoke some pot and that while they were parked in Dingus's van, Dingus pulled a rifle out and pointed it at Willier's head and stated; "you don't know anything about this case."

Mr. Campbell then polygraphed Mr. Willier with respect to his statement. That test revealed that Mr. Willier had not been deceptive: Mr. Willier's responses "were not indicative of deception." (A copy of Mr. Campbell's report is enclosed.)

Mr. Willier's information cannot and should not be viewed in isolation. In fact, in 1984, Larry Dehus, a forensic chemist, had concluded that "paint drops or splatters" from the tarp in which Mrs. Mottinger's body had been wrapped "were found to be similar . . . with respect to color, tint, and chemical solubility" to paint samples that had been recovered from the Glendale Avenue house belonging to Dr. Tidaback and painted by Dale Dingus and his crew, including John Willier, in the summer of 1982. (A copy of Larry Dehus's report is enclosed.)

In the FBI response of October 24, 2005, the FBI inexplicably dismisses the potential significance of further forensic and DNA testing of the tarp because the FBI asserts that finding Mr. Dingus's DNA on the tarp would "be unremarkable since their presence could be attributable as much to Dingus' involvement in the business as it could


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to his alleged participation in the murder of Mrs. Mottinger.” We find this statement nothing short of incredible. If the FBI means to suggest that it is conceding, as the evidence would appear to suggest, that the tarp belonged to Dingus, then it is inconceivable that state or federal law enforcement officers would not investigate Dale Dingus, particularly when we now also know that Dingus threatened Willier at gunpoint in an effort to intimidate him to remain silent about his knowledge of the Mottinger crimes.

The FBI needs to do a thorough and complete investigation to determine if the evidence suggests Dale Dingus’s involvement in the murder of Mrs. Mottinger. John Spirko did not know John Willier, and he did not know Dale Dingus. The FBI declined to polygraph John Willier and suggested instead that we do that; we did, employing a seasoned former FBI polygrapher to do the test, and the polygraph indicates that John Willier is telling the truth. Mr. Willier’s statement strongly suggests the involvement of Dale Dingus in the Mottinger murder and suggests an effort by Postal Inspector Hartman to keep Willier silent. Under these circumstances, and with an execution date for Mr. Spirko just 15 days away, it is the FBI’s responsibility forthwith to complete a thorough investigation of this matter.

Please advise me by close of business on Tuesday, November 1, 2005, of the FBI’s intentions. I am available to discuss this further at your earliest convenience.

Sincerely,



Thomas C. Hill

cc: Charles Wille, Esq. (by email attachment)
Cynthia Mausser, Esq. (by email attachment)
Dugan Wong (by email attachment)