



October 31, 2005

**By Email Attachment and First  
Class Mail**

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Cynthia Mausser, Esq.  
Ohio Parole Board  
1050 Freeway Drive North  
Columbus, OH 43229

Dear Chairman Mausser:

On behalf of John Spirko, I request that the Parole Board reconsider its recommendation of October 19, 2005, and now recommend that Governor Taft halt the execution of Mr. Spirko. This request is based on important information we have just received concerning John Willier.

As the Parole Board is aware, in 1997 John Willier volunteered information to Investigator Bill Latham that indicated that Dale Dingus, not John Spirko, was likely responsible for the abduction and murder of Mrs. Mottinger. At that time, Willier told Latham that he wanted to be interviewed by federal law enforcement officers and that he was prepared to take a polygraph to satisfy investigators that he was telling the truth. Mr. Latham made repeated attempts to contact the U.S. Postal Inspection Service as well as the Federal Bureau of Investigation to convince them to interview Mr. Willier, yet no interview or follow-up occurred.

Recently, just after the Parole Board hearing held on October 12, 2005, Mr. Willier was located, living in Tennessee, by the Cleveland Plain Dealer. He again repeated to the Cleveland Plain Dealer the assertions he had made to Investigator Latham in 1997 that suggested that Dale Dingus was the man responsible for the Mottinger murder, and again stated his willingness, indeed eagerness, to take a polygraph. These matters were reported by the Cleveland Plain Dealer on Sunday, October 16, 2005. We notified the Parole Board of these developments in a letter dated October 17, 2005. Also on October 17, 2005, we sent a letter to the U.S. Postal Inspection Service and the Federal Bureau of Investigation requesting that law enforcement follow-up immediately with Mr. Willier and also conduct DNA and/or other appropriate tests on the paint-splattered shroud to see whether a match can be established with Mr. Dingus, Mr. Willier, or any of their associates. We suggested that it might be appropriate for the FBI to take the lead in these matters. We believed that additional investigation would be appropriate,

particularly in light of the questions by some Board members at the hearing who expressed concern and frustration at the failure of law enforcement to pursue this significant lead.

Once again, law enforcement declined to follow up. On October 24, 2005, we received a response from the FBI. We have enclosed a copy of that letter. As you will see, the FBI takes the position that any follow-up investigation should be conducted by the U.S. Postal Inspection Service. The FBI also takes the remarkable position that linking the shroud to Mr. Dingus "would have little probative value." We have yet to hear from the U.S. Postal Inspection Service.

As you are 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 clemency hearings.) As a result of the complete failure of federal and state law enforcement to act responsibly with respect to this matter, and with an 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.)

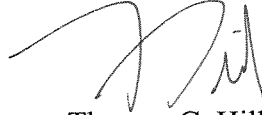
The totality of the evidence would thus now strongly, if not conclusively, suggest that a painter's tarp belonging to Dale Dingus was used to wrap Mrs. Mottinger's body; that Mrs. Mottinger's body was found within a quarter mile of Mr. Dingus's mother's home and barn; that there is absolutely no connection between Dale Dingus or John Willier, on the one hand, and John Spirko, on the other; that Dale Dingus threatened John Willier at gunpoint and told him "you don't know anything about this case"; and that Paul Hartman told John Willier not to speak to defense counsel about this case.

Under these circumstances, it is inconceivable that the execution of John Spirko can be allowed to proceed. Mrs. Mottinger was likely murdered by the man who owned the tarp in which her body was wrapped, yet neither state nor federal law enforcement has made any effort to do the kind of follow-up that is necessary to ensure that her true killer(s) are brought to justice and that an innocent man does not pay the ultimate price for a crime he did not commit. The tarp needs to be thoroughly and effectively evaluated forensically using all modern scientific and forensic techniques, including DNA and paint analyses. John Willier needs to be interviewed. Dale Dingus, serving a lengthy sentence in Louisiana, needs to be interviewed and polygraphed, if he is willing. In addition, this information from John Willier highlights the need to test the shroud and other materials recovered from the crime scene for DNA and run those results through the national DNA database known as CODIS. We believe Dale Dingus' DNA profile is in CODIS, as are the profiles of some of his painting associates, and a match to their profiles would exonerate Spirko and inculcate the true perpetrator of these crimes.

Cynthia Mausser, Esq.  
October 31, 2005  
Page 4

For all the foregoing reasons, we respectfully ask that you now recommend to Governor Taft that he grant executive clemency to John Spirko.

Sincerely,

A handwritten signature in black ink, appearing to read 'THH', written over a horizontal line.

Thomas C. Hill

Enclosures

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