

ACLU Ohio

Criminal Justice Issues and Prisoners' Rights

<https://www.acluohio.org/en/press-releases/aclu-ohio-and-ojpc-sue-ohio-parole-board-denying-parole-individuals-previously>

Public Facing Advocacy Writing

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COLUMBUS Today the ACLU of Ohio and the Ohio Justice & Policy Center (OJPC) filed a lawsuit challenging the Ohio Parole Board and the Ohio Department of Rehabilitation and Corrections (ODRC) current unwritten policy of denying parole to all individuals who had previously been sentenced to death, but were re-sentenced to life with the possibility of parole after the U.S. Supreme Court struck down Ohio's death penalty as unconstitutional in 1978. Individuals who had pending death sentences at that time received a new sentence, and all of them who remain incarcerated have served *at least* 43 years. ODRC's policy of denying parole to this category of people, regardless of their individual circumstances, violates well-settled principles of Ohio law that individuals eligible for parole must receive meaningful consideration.

The ACLU of Ohio and OJPC represent two people, Patricia Wernert at Dayton Correctional Institution and George Clayton at Richland Correctional Institution, who have each served 45 years in prison and have been denied release a combined total of 9 times.

The Board has decided to never release people like Pat Wernert and George Clayton, who would have long been released but for its policy of denying parole to individuals who were initially sentenced to death but whose sentences were later reduced to life with parole eligibility after twenty years. Ms. Wernert and Mr. Clayton deserve meaningful consideration for parole and this lawsuit is their last chance to obtain it, noted **David Singleton, Executive Director for the Ohio Justice & Policy Center**.

The Parole Board adheres to this blind practice regardless of whether the individual is actually suitable for parole. Our clients have demonstrated immense rehabilitative progress, pose no threat to the community, have each served four and a half decades in prison, and have strong reentry plans, offered **David Carey, Deputy Legal Director for the ACLU of Ohio**. Even their trial prosecutors do not oppose their release. But under this policy, none of that matters. All they ask is for what the law requires: a fair hearing.

Ms. Wernert is now 78 years old. The lawsuit alleges that during her March 2021 release consideration hearing, the Parole Board denied release pursuant to this blanket practice, pushing the next hearing to February 2026. At that time, Ms. Wernert will be 83 years old and will have served 50 years of her sentence, under which she was first eligible for parole after 20 years. Mr. Clayton is 64 years old. He was denied release during a March 2020 hearing and will not have another opportunity until 2025, at which time he'll be 68 years old and will have served 40 years of a similar sentence.

The ACLU of Ohio and OJPC ask the court to issue a judgment declaring that their clients are entitled to a new hearing, as the policy violates their right to meaningful consideration. Our clients' sentences provide for the possibility of parole, yet the Board's blanket policy has the practical effect of converting their sentences into life without the possibility of parole, **concluded Carey**.

The lawsuit was filed in the Franklin County Court of Common Pleas.

A Copy of the complaint is below.

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