

Criminal Justice Issues and Prisoners' Rights

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CLEVELAND Despite claims the prosecution withheld evidence during the murder trial of John Spirko, the Ohio Parole Board recommended yesterday against granting clemency by a vote of 6-3. Spirko's execution is scheduled for September 20 and will go forward unless Governor Taft issues clemency or a reprieve.

In its decision, the three members who dissented wrote, It is not unreasonable to ensure that every defense is pursued and fundamental fairness applied before a person is put to death.

ACLU of Ohio Legal Director Jeff Gamso said, The state has a duty to make certain that every person receives fair and equal treatment within the court. Gamso went on, If there is credible evidence that Mr. Spirko did not receive fair treatment, the courts should be granted time to examine it.

Questions have swirled around the Spirko case, as new and old evidence have been reexamined. On July 20, U.S. District Judge James R. Carr asked Attorney General Jim Petro to petition the Ohio Supreme Court to lift the order of execution in order to provide enough time to consider charges that the prosecution withheld evidence from the defense during the original trial. Petro denied the request and later the Ohio Supreme Court chose not to move the date of the execution, which would have allowed Judge Carr the time to consider the new evidence.

Additionally, the ACLU of Ohio will begin arguments today in federal court in Cleveland that the states plan for a wholesale move of death row to the Youngstown supermax facility contradicts court rulings that requires each inmate to receive individual hearings to determine whether they should be transferred to the prison.

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