

**TRUMBULL COUNTY PROSECUTOR'S OFFICE**

**Dennis Watkins, Prosecutor**

Repeat Violent Offenders newsletter

Update, Dec. 12, 2023

**Death penalty case remanded for another Atkins hearing; Danny Lee Hill's case to be appealed to Ohio Supreme Court by Trumbull County Prosecutor's Office**



On December 11, 2023, the 11<sup>th</sup> District Court of Appeals of Ohio released an opinion remanding convicted murder Danny Lee Hill's death penalty sentence to the trial court to reconsider whether Hill is entitled to yet another hearing related to his claimed intellectual disability, commonly referred to as "an Atkins claim."

We respectfully disagree with the appellate court's legal analysis. This office believes that the well-reasoned 13-page opinion, rendered by visiting Judge Patricia Cosgrove is legally sound. She noted Hill's claimed "intellectual disability has been examined and re-examined" by this Court in several post-conviction petitions and motions for a new trial which have been affirmed by the 11<sup>th</sup> District Court of Appeals. The United States Supreme Court has twice reviewed the petitioner's intellectual disability claim among other issues. Hill's behavior was also examined at length by the U.S. Sixth Circuit Court of Appeals.

The latest effort by Hill is to have another hearing because defense has obtained a new opinion on the same claim which it lost years ago. The State believes that this is a second (or successive) petition and is precluded by Ohio law which was adopted to limit endless challenges or appeals advanced by fairly and properly tried, convicted, and sentenced criminal defendants.

Ohio Attorney General David Yost's Senior Assistant Attorney General Stephen E. Maher, who was appointed by the Honorable Judge Andrew D. Logan, administrative judge of the Trumbull County Court of Common Pleas as special assistant Trumbull County prosecutor for this case, will be spearheading the appeal to the Ohio Supreme Court seeking to have the trial Court's decision, which dismissed Hill's most recent efforts to delay justice, be reinstated. Special Assistant Prosecutor Maher, who has worked on the Hill case for over 20 years

largely in the federal court and who has a wealth of experience and knowledge of all aspects of the claims, is best suited to handle this appeal. Indeed, Maher argued the case before the 11<sup>th</sup> District Court of Appeal earlier this year. Trumbull County will not be charged for his work.

Furthermore, I am hopeful that Attorney General Yost and the Solicitor General's Office will consider filing an *amicus curiae* or "friend-of-the-court" brief in support of our appeal.

After over 37 years of litigation, including nearly 30 appeals, all issues have been considered many times, by every available court in this country, including on written decision by the United States Supreme Court and ultimately found to be meritless. This office will continue to strive to provide the Fife family (along with the citizens of Ohio) their constitutional right to finality and justice.

## BACKGROUND INFORMATION

A three-judge panel in 1986 found Hill guilty of the Sept. 10, 1985, kidnapping, rape, and murder of 12-year-old Raymond Fife as the boy was headed to a Boy Scout meeting on the southwest side of Warren.

Since Hill's brutal attack and arrest in September 1985, Watkins noted that the mother of the victim, Miriam Fife, and her family have attended the trial and numerous hearings -- and for over 38 years now -- spending many days and hundreds of hours in courtrooms, reliving the horrors of the crime against their loved one, and failing to see a final outcome in their own bids to see justice done.

Hill also qualifies as a repeat violent offender since at the time of the sexual attack and murder of Raymond Fife in September of 1985, he had previously been sentenced by the juvenile court to the Ohio Department of Youth Services as a juvenile offender for two separate rapes of women. He had only been released from those sentences about 30 days prior to the brutal, fatal attack on Raymond Fife.

For more information, contact Guy M. Vogrin, investigator/public information officer for the Trumbull County Prosecutor's Office at 330-675-2485