

PRESS RELEASE

IN RE: DANNY LEE HILL
SIXTH CIRCUIT COURT OF APPEALS
NEW CLAIM OF OLD CLAIM

August 25, 2023

Today, the full panel of the Sixth Circuit Court of Appeals, in an 11-3 decision, again reversed the opinion of the three dissenting members of the court relating to Danny Lee Hill's recent effort to have his death sentence overturned based upon a "new claim" of an old argument regarding bite mark evidence. The same panel's previous decisions reversing Hill's execution order, have been reversed twice, once by the United States Supreme Court and once by a full panel of the Sixth Circuit Court of Appeals, reinstating Hill's death sentence. As previously noted this so-called "new" bite mark evidence argument was fully litigated in the Ohio court system and determined to have no merit by all Ohio courts, just as Hill's alleged mental retardation/intellectual disability claim was constantly contested and found unsubstantiated.

Ohio Solicitor General Ben Flowers of Ohio Attorney General Dave Yost's Office successfully argued that Danny Lee Hill was merely presenting a successive or second request to review evidence relating to a bite mark. In my opinion, this is just another meritless attempt to re-litigate, in the federal system, the same argument, at public expense, denying the Fife family (along with the citizens of Ohio) their constitutional right to finality and justice. These tactics have

delayed Hill's 1985 sentence of execution, imposed by three Trumbull County Court of Common Pleas Judges, and to undermine the public's confidence in the criminal justice system. This case has been litigated ad nauseam – 37 years and counting. Enough is enough.

The *en banc* panel of the Sixth Circuit Court of Appeals agreed and concluded that Hill's new filing was a successive or second petition. The Court held Hill needs to produce new evidence that was not available at the time of the trial in 1986 that he would not have been found guilty of the kidnapping, rape and murder of 12-year-old Raymond Fife. The Court noted its skepticism of that there would be "newly discovered evidence so compelling that no rational juror would find [Hill] guilty." It noted that there is "plentiful evidence of the other forms of rape Fife endured – evidence that was presented at trial – supported the rape conviction."

Five Judges, concurring with the majority, further implored the court to rule on Hill's claim within 30 days. "In the last thirty-seven years, Hill has sought review in the United States Supreme Court three times, Hill's case has come before a panel of this court for times, and the *en banc* court has now heard his case twice. At almost every turn, courts have ruled against him." These Judges explained that delays keep States and victims' family, who have to relive the crimes for decades, in limbo. Since the 1986 Hill trial, the Trumbull County Prosecutor's Office and there have been more than 25 appeals involving both the Trumbull County Prosecutor's Office attorneys and several different Ohio Attorney Generals' staff.

This office would like to express its sincere gratitude to Attorney General Dave Yost, and his office, and in particular, Solicitor General Ben Flowers, for their unrelenting quest to ensure that Danny Lee Hill faces the justice he deserves for the brutal murder of Raymond Fife. They have successfully defended Hill's conviction and death sentence repeatedly, maintaining Hill was fairly and properly tried, convicted and sentenced in the Ohio state court system. Today, I

personally spoke with Miriam Fife, and both of us especially appreciate the time, effort and personal communication with her through this ordeal by Solicitor Flowers as well as the good staff of lawyers giving so much attention to this case through the many years, and most recently by Attorney General Dave Yost's capital crimes section.

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