



Trumbull County Prosecutor
Dennis Watkins
Warren, Ohio



August 30, 2023

Attorney Lisa Hoying Parole Board Chair
Ohio Adult Parole Authority
4545 Fisher Road Suite D
Columbus, OH 43228

IN RE: DAVID LOCKNEY

Inmate #A198023

Trumbull County Case #87-CR-143

Continued Hearing: September, 2023

Convictions: Life Rape (4 counts)

Attempted Rape (1 count)

Sentence: 10 years to Life on each count
of Rape Life, concurrent to Attempted
Rape

Time Served: 36 Years

Dear Attorney Hoying:

I have previously written the parole board on December 19, 2011, October 8, 2015, and August 19, 2019 strongly opposing inmate David Lockney's release on parole. Furthermore, on June 18, 2002, I wrote a letter to the Ohio Parole Board's victim's section on behalf of my office and the victim requesting that a full parole board hearing be held regarding inmate Lockney's release on parole after being informed that the Board had granted a release date for him on or after July 8, 2002. See attached copies of my four (4) letters (Exhibit Nos. 1, 2, 3 & 4).

On July 29, 2002, the Ohio Parole Board informed me that a Full Board Hearing regarding the proposed release of David Lockney on parole would be held on August 12, 2002 at the Adult Parole Authority, Alum Creek Drive facility in Columbus, Ohio. See attached letter from the Parole Board (Exhibit #5).

Prior to the scheduled August 12, 2002 Full Board Hearing, Trumbull County Common Pleas Court Judge W. Wyatt McKay conducted a hearing on July 17, 2002 with respect to whether the Defendant, David Lockney, (Trumbull County Case No. 87-CR-143) should be classified as a Sexual Predator under Ohio Revised Code Section 2950.09. Assistant Prosecuting Attorney Thomas Wrenn (a retired board certified school psychologist), head of the Prosecutor's Child Assault Division at that time, presented four (4) witnesses for the state. They were: (1) the then 22-year-old family female victim in this case; (2) the victim's aunt; (3) Mary Jane Julian – case worker for the Children's Services Board; and (4) Dr. Wilfred Dodgson, Pediatrician and Chairman of the Department of Pediatrics and Adolescent Medicine at Tod Children's Hospital, Youngstown, Ohio.

After hearing all the evidence including the four witnesses, the Court concluded by clear and convincing evidence that Defendant David Lockney is likely to reoffend and thereby classified him as a Sexual Predator as set forth in Section 2950.09 of the Ohio Revised Code. Importantly, Judge McKay, in determining Defendant Lockney was a Sexual Predator found the following factors true and relevant:

1. the age of the victim -7;
2. the nature of the sexual conduct-anal, vaginal and oral penetration;
3. there was a demonstrated pattern of abuse; and
4. there was extreme cruelty displayed.

Please further read the judges specific findings of fact in Exhibit #6. Furthermore, Defendant Lockney did not contest these findings nor did he appeal. His defense attorney provided the court exhibits by way of prison records for review. The Court then said: "His accomplishments in prison and his completion of two sex offender programs may be laudable but they pale in significance to the pattern of abuse and the cruelty displayed to the victim by the defendant"...(by clear and convincing evidence)... "this Defendant is likely to reoffend." (It is noted that inmate Lockney's current Risk Score as of July 26, 2023, according to the Current Institutional Report Summary is ("Moderate/High"). See attached July 19, 2002

copies of Findings of Fact and Conclusions of Law of Judge W. Wyatt McKay (Exhibit #6); State of Ohio's Argument by Prosecutor Wrenn for Predator Classification (Exhibit # 7; Tribune Chronicle article and other articles on the predator hearing and findings of the Court (Exhibit #8); and Ohio Department of Rehabilitation and Correction record dated July 26, 2023 (Exhibit #9).

On August 12, 2002, I attended the Ohio Parole Board's Full Board Hearing in Columbus along with Miriam Fife, Victim Advocate for the Prosecutor's Office, and the victim and presented the State's case opposing David Lockney's release on parole. See binder folder of materials submitted by the Trumbull County Prosecutor's Office at that time for review by the Ohio Parole Board (Exhibit #10). Also available for the hearing was Sue Stinedurf, first investigator for the Child Assault Division and investigator in 1987 in the Lockney case. See her June 20, 2002 letter attached (Exhibit #11).

On September 12, 2002, Raymond E. Capots, Chair of Ohio Parole Board wrote Miriam Fife and informed the office that:

It was the decision of the Full Parole Board to modify their pervious action of May 30, 2002 to read: It was the decision of the Parole Board to deny this offender parole at this time. He has been continued and will be seen again by the Parole Board in January, 2012. See copy of Chairman Capots letter of September 12, 2002 marked as Exhibit #12.

Obviously this was great news to everyone here in Trumbull County who worked so long and hard to see justice done for the victim and to protect her and other children from harm in the future. The Parole Board maxed the period of time for David Lockney's next opportunity to apply for release on parole on his Four Life Sentences for ten (10) years. Lockney's victim had to come, on two separate times in 2002, to court and a full board hearing and publicly re-live and tell her story of unthinkable harm and suffering at the hands of her own father. Other boards in 2012, 2015, and 2019 also denied parole to Lockney. Thankfully the victim did not have to publicly fight for her right to safety and justice at any of those hearings, because many of the board members are new (and no members, I believe, were on the parole board when the victim testified in 2002), I believe it is not only important to give an update of the history of this matter but it's also necessary to provide the parole board with more information along with what this office has provided the parole board in

the past. We believe that Lockney is a proven vicious predator and we don't want to miss anything in helping the victim both in mind and body staying safe and to more inform you of the appropriateness of Lockney serving an actual life sentence in prison. Her life is a true story of a Brave Heart against the Monster Sex Offender. Please consider our information.

OVERVIEW OF THE EVIDENCE

In early 1986, one of the first Child Assault Prosecution Units in the United States was started when the Trumbull County Prosecutor's Office received one of only nine (9) federal grants for the creation of the Child Assault Prosecution Unit in the Trumbull County Prosecutor's Office. As Prosecuting Attorney for the County, three women were hired to start the new program. Attorney Carol Sopkovich headed the unit and was assisted by Attorney Pat Spencer and Investigator SueEllen Stinedurf. The purpose of the program was for prosecutors to work closely with the local Children Services Agency, doctors, hospitals, and police agencies in the investigation of cases involving the physical and sexual abuse of children. Back in the 1970's and 1980's, often domestic violence involving women and children were not reported or underreported and thus the cycle of abuse continued at the expense of young children – like Lockney's seven-year-old victim. One of Trumbull County's first Child Assault cases in 1987 involving repeated horrific sexual and physical abuse of a little girl was the Lockney case. He received justice with four (4) life rape sentences then, and he still today remains in prison serving the appropriate sentence the law and the factual circumstances of Lockney's crimes demanded.

My prior letters to the board from 2011, 2015, and 2019 attached as Exhibits 2, 3 and 4 will summarize our view of the evidence and opinion regarding the crimes and sentence in this case. Also please read the attached type-written statement from the victim to the Parole Board Chairperson, Cynthia Mausser, dated September 1, 2015, which in part says:

“... I furthermore have testified at a full board hearing in the past and I am willing to do so again. Going through all of this again, even though the trauma that I have endured in the trial as well, is all permanently etched in my mind and a fear that I endure every day. I would be willing to go on the stand again to assure that this criminal would not be set free. If you were to review the testimonies that I gave from the past, I would confirm my fears not only then but I assure you that are still very

strong in my mind and soul to this very day. So I again beg of you to please not allow this man to be set free not only to protect me, my children and my family, but any other potential victims that may lay prey to him if he were to be released. I want the truth to be told, because I do not want what happened to me to happen to any other child or woman (emphasis added). See attached Exhibit #13 and prior printed 4-page letter of the victim from 2002 as Exhibit #14.

Please note that the victim's birth mother on June 8, 1987, pled guilty to Child Endangering (F4) with Specification and on September 3, 1987 was sentenced to 18 months in prison which was Suspended and she was placed on probation for 2 years with psychological counseling. As a follow-up, the victim happily was adopted after surviving her childhood trauma and set-backs and is happily married today with 3 children living outside of the Warren area.

PAROLE OFFICER DEAN'S REPORT

Back in 1987, when this case was investigated and successfully prosecuted, it was customary for the Ohio Adult Parole Authority to have parole officers in the field locally to help the Board by reviewing the files of the prosecuting attorney and other police agencies and writing reports to the Parole Authority detailing the evidence of the crimes inmates committed. The two parole officers assigned to the David Lockney crimes I remember well having worked with them many times during the 80's and 90's. They were very professional and thorough in going over our files of evidence. Though I haven't seen them for years, John Philip Dean, Parole Officer I and Amelia Yazbek, Parole Services Supervisor I, were outstanding people. Because of the 2002 Full Board Hearing, I received a copy of their complete 9-page signed investigation report. I am attaching the Dean report as Exhibit #15 for review by the board. I believe this DRC report summary pretty much parallels our letters and materials which have been forward to you over the past 20 years. Clearly your report outlines the overwhelming amount of evidence in such detail to show that without a doubt Lockney is probably on a short-list of predatory inmates who serially raped over an extended period of time in a tortuous style resulting in causing excruciating pain, disease, and permanent injury to such child/children. In Lockney's attacks, three separate cavities of the victim's body were ravaged. What I am saying is that this office, during my long tenure, except for one child who was tortured, raped and murdered, has not seen this amount of extreme violence with a

little child weighing only 49 pounds in which resulting damage was done to every orifice available for abuse. I don't believe that parole board members have seen many, if any, like Lockney. At least I hope and pray not. That's why there are special and unique factors exists here that require this man to serve a true life sentence, in our opinion.

LOCKNEY'S STATEMENTS TO POLICE AND PSYCHOLOGIST

According to all the evidence in this matter, David Lockney, over a long period of time repeatedly physically and sexually assaulted the girl when she was six years of age to seven years of age at two different locations at the homes in the City of Warren, Ohio and Lordstown Village, Trumbull County, Ohio, in 1986 and 1987. See Dean Report infra. For sure and beyond any doubt, Inmate Lockney admitted to all the crimes charged in his indictment by pleading guilty in Count 1 of his indictment to Attempting to rape the young victim in August, 1986; in Count 2 to Raping her on February 19, 1987; in Count 3 to Raping her in October, 1986; in Count 4 to raping her in December, 1986; and in Count 5 to Raping her in January 1987.

In Lockney's interview with Warren City and Lordstown Village police officers, Sgt. Mark Massucci, Officer Robert Minor, and Officer Rick Siegal on April 10, 1987, a type written signed statement was given by him consisting of 8 pages. See Exhibit #16 attached along with two (2) signed separate waiver of rights forms. In his statement to police, Lockney admitted to attempting to rape the little seven-year-old girl in August, 1986 pulling her pajamas and underpants down while at the same time pulling his pants down. According to Lockney, "That's when I realized I was wrong and I didn't do it". Lockney goes on in his statement to say that the one time he did rape her "I must have hit her in both places" (i.e. her vagina and rectum). His words:

DL: One night I went into (her) room... I got her out of bed, I took her into the living room, and I turned her around on the couch and I pulled her pants off and I touched her with my hand between her legs.

MM: In front or the back?

DL: From the front. Then I turned her around and leaned her over the couch there and I was pushing myself between her legs and I don't know, I was doing this for a little while. And I could tell I was hitting either the front of her or the back of her. I'm not sure. I wasn't looking to see where I was pushing it at. I must have hit her in both places cause after a little while I was doing this she made a little groan like it was hurting. Then I quit. I turned her around, told her to pull her pants up and I asked her if she was all right, and she said yes. I told her to go back to bed and she did. And I went back to bed myself. And that's the honest to God truth, that's all that happened. (Emphasis added – she weighed 49 pounds!) See page 5 of statement.

Though the State's evidence, especially with the victim's version, the medical evidence, and Lockney's pleas of guilty, proved that Lockney was no two-time child rapist, Lockney's cover-up, threats, lies, refusing to get medical treatment for the girl and his refusing to have blood testing, only provided authorities overwhelming proof that Lockney's conduct was an ongoing pattern of sexual gratification and sadism. It was exceeded only by his vicious acts permanently injuring this family member many times over. Only near the end of all legal proceedings in this matter when his trial was scheduled to begin and at which time the court was going to allow under a new provision on law in Ohio permitting the victim to testify remotely on close circuit TV without the presence of her father did Lockney decide to plead guilty to all the charges in the indictment. In our Motion for Testimony Outside the Courtroom the State in part said:

As good cause for said Motion, the State of Ohio submits the victim has on four (4) separate occasions stated to the Prosecutor that she will not testify in the courtroom. Further, (the victim) has exhibited an extreme fear of the defendant and the State has not been able to put that fear to rest. See Exhibit #17 attached, Motion for Testimony Outside the Courtroom.

Prior to his scheduled trial, Defendant David A. Lockney, a 31-year old married, white male, was evaluated in the Trumbull County Jail on June 10th and 15th, 1987 alleging that he was Not Guilty by Reason of Insanity of his rape charges. Forensic Center of District XI clinical psychologist, Dr. Stanley Palumbo did the forensic evaluation. See his four (4) page report attached as Exhibit #18.

Among other things, Lockney stated that he was a disabled truck driver, who was depressed and taking drugs including using marijuana daily and really didn't have a good memory of all that happened – “Only one time that I can remember, but don't really know all of what happened.” I wouldn't have done nothing like this if were in my right mind.”

His statement to Dr. Palumbo goes on to restate that what he had said to police that he vaginally/anally raped the little 7-year old girl once – he says this time – “she was lying on her stomach, and I remember that I was having sex with her, I wasn't inside her though, just between her legs was all I seen.” When questioned about the other alleged incidents, Lockney replied, “There's nothing there, it's a blank, I can't explain it no further.” (Emphasis added).

However, later in his statement to the psychologist, Lockney complained that he was not having frequent sex with his wife. When asked if he felt the lack of sexual activity with his wife was related to the sexual activity with (the girl), he replied, “Evidently it must have or I wouldn't have these charges against me.”

MEDICAL EVIDENCE

According to the testimony of Dr. Wilford Dodson, treating physician the 7-year-old girl at Tod Children's Hospital, Youngstown, Ohio after her transfer from Warren's Trumbull Memorial Hospital because of the seriousness of her injuries, concluded that the victim's anal sphincter was dilated one and a half centimeters and further described it as” a gaping hole.” Additionally, the medical opinion was that there is no way that the girl's injuries could have been caused by one or two penetrations and that the victim was likely repeatedly violated over an extended period of time. Importantly, Inmate Lockney pled guilty to five (5) different rape offenses spanning some six (6) months during 1986 and 1987 (to wit: August, 1986 to January, 1987). Furthermore, please see copy of color medical photograph of the victim's injuries along with other medical records found in Exhibit 10 supra.

The victim, in the process of being systematically tortured ... over a period of weeks and months, told a relative and Children Services worker,

Mary Jane Julian, that Lockney (her words):
“... put his pee-pee in my pee-pee, and it hurt me a lot.” ...” Every time (he)
would put his pee-pee in my pee-pee, he told me it wouldn’t hurt this time.”

As her little 49-pound body was being repeatedly physically and sadistically abused, which seems like forever to her, the victim was finally broken and could take no more. The supposed family around her realized that she was seriously ill. One local doctor found she had herpes. As things got worse, the victim’s aunt viewing her condition, suggested hospital treatment – David Lockney told the woman to mind her own “f-ing” business and declined to take her. Eventually, the girl was taken to the hospital by another relative and spent 16 days in the hospital in treatment and recovery.

Because the nature of the girl’s physical condition was serious, the local hospital (Trumbull Memorial Hospital, Warren, Ohio) admitted her on April 8, 1987 with her chief complaint of pain in both groin areas with swelling of the mass of a few days’ duration. In part, the medial records stated:

GENITALIA AND INGUINAL AREAS:

Examination revealed both inguinal lymph nodes palpable and very tender and there were visible lesions of the labia major and labia minor and also purulent discharge around the rectum and all around the anus area with purulent discharge. Because of the severity of the lesions of the vaginal and rectal examination was not done. There was purulent puss coming all over. Vesicles all around up to the butt around four to five centimeters on the anal area...

Since the girl’s condition was very serious, she was transferred to Children’s Hospital in Youngstown, Ohio. There she spent some 16 days and with treatment, caring support, and surrounded by hospital staff, and other warm-hearted loving people such as Mary Jane Julian of the Trumbull County Children Services Agency, she was on the road to recovery. However, as Dr. Dodgson, Chairman of Department of Pediatrics and Adolescent Medicine at Tod’s found the girl had suffered significant rectal injury with a gaping opening and vesicular lesions. She was taken to surgery the night of admission under anesthesia. Also multiple cultures were taken from lesions of her vagina, anus, and mouth and all three cavities tested

positive for Type II Herpes, Chlamydia, bacteroides, and anaerobic strep. See Dodgson report marked as Exhibit #19 and Exhibit #20 Motion for Blood Test.

INMATE LOCKNEY NOT TOO OLD TO REOFFEND

As parole board knows with the Lockney case, this is the third month in a row that Trumbull County prisoners serving life sentences as Child Sexual Predators have come up for parole release consideration. See: Willis Reitz July hearing; William Wayne Fisher, August hearing, and David Lockney, September hearing. Further, as the board is aware, both Reitz and Fisher had been imprisoned and released on parole in the past and after released raped children again! It is our strong belief that this trilogy of candidates, including Lockney, for release on parole are proven violent child sexual predators and pedophiles who will likely re-offend and it will be the children who will suffer. Please read Judge McKay's four-page opinion finding Lockney to be a Tier Three Sexual Predator. Please further look at your own recent prison records which conclude that Lockney is a high/moderate risk to do it again. These folks are the worst of the worst and their histories prove it!

Also we recognize that Inmate Lockney is 67 years old and has been in prison for approximately 35 years and with minimal behavior issues there (in our opinion because he is locked up and no children are within his reach) and by law and administrative rules, he is entitled to some parole consideration. At the time this office, as always, when responding in these matters, it is our approach to meet with victims, provide the board with written materials including updates and cover three main issues with recommendations regarding whether any Trumbull County inmate is suitable for parole release. They are: safety of the community; appropriate punishment of the offender, and possible rehabilitation.

When the victim testified at Inmate Lockney's Predator Hearing in 2002 before Judge McKay – she expressed her own personal fear of him, his likelihood to go after other children, and her belief that he should serve an actual life sentence and die in prison. She said at the time of the offenses she would cry and beg him to stop but he refused. She said the assaults occurred numerous times. And when asked how she felt about the man, she began sobbing and said "I wish he were dead."

Still today as I have recently learned by meetings with the victim (and her husband), now 44 years old, she fears Lockney's release and the safety of herself

and her family. Also she fears for children everywhere – “I know he will do it again.” The trauma and pain is still very real to her today. She truly does not want to testify again – the thought of a full board hearing brings tears to her eyes but she immediately gains her composure and her response is “I will be there!” Then she says to me could the parole board lengthen the time between hearings – this especially troubles her husband. The husband told me to let the Board know that he can attest to the nightmares his wife still has to this day. And that he will protect his family no matter what! He will be there along with the victim if any full board hearing is scheduled. He is a certified EMT, retired long-time firefighter and presently employed by a manufacturing company for 28 years. I know the board will, as always, make its own independent judgment in this case as you do in all of them, and I am experienced enough to know that at times our arguments may not prevail; nevertheless, I thought you should know how the victim feels today. I am attaching the victim’s most recent letter to the parole board as Exhibit #21 and Exhibit #22, a picture of her recovering in her hospital stay on an IV with a type-written version of what happened as she remembered some things at age 9. She okayed me to send it to the board now with her comments of years ago. This victim is a model of a victim survivor with the heart of a lioness! One who has overcome the worst scenario and has positively gone on in living her life! As she says in her August 1, 2023 letter to this board:

I am now as I have been throughout my entire life always afraid and having nightmares in the back of my mind. I am still to this day and always will be requesting, in fact always BEGGING that you all never release David Lockney from prison. I am to this day and always will be very afraid of him, I am not only scared for myself but for my three children as well. I do believe he is very capable of carrying out threats to me from the past if he were to get out of prison. I strongly feel that if he is released back into society that it is unjust to myself, my children, my family and to the world... (Emphasis added-See Exhibit #21)

Finally, in closing, I am sending an article concerning a New York registered sex offender, Theodore Sypnier (like registered Tier III Predator Lockney) who violated parole at age 100. It was wishfully decided that this pedophile could be released to a halfway house and not reoffend because he was older and could change his ways with counseling. The judge expected him to die behind bars. (We also believed in our case that Lockney would never make parole.) His parole release

program did not work out. The halfway house director in New York concluded that Sypnier has not “changed from the manipulator” he is. He described the New York predator as one “who used his grandfatherly charm to rape victims as young as 4.” “Whether he’s 100 or 105, the same person that was committing these crimes 10, 25, 30 years ago still exists today and has unrepentant heart,” said the Rev. Terry King, director of Grace House, which has twice taken Sypnier in from prison. “He is someone that we as parents, as members of the community, any community, really need to fear.” (See Exhibit #23 Grandpa pedophile). This is exactly why we pray that the parole board will not take any unnecessary risks and release David Lockney anytime soon (Ditto for Fisher and Reitz!). Some crimes are both unforgettable and unforgiveable. This is one where an Actual Life Sentence is deserved!

Thank you for your kind consideration in this matter.

Very truly yours,

DENNIS WATKINS
Trumbull County Prosecuting Attorney

Enclosures
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For more information, contact Guy Vogrin of the Trumbull County Prosecutor's Office at 330-675-2485.