

DATE TYPED: July 16, 2010
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IN RE: RODERICK DAVIE, OSP #A253-718

**STATE OF OHIO
ADULT PAROLE AUTHORITY
COLUMBUS, OHIO**

Date of Meeting: July 14, 2010

Minutes of the **SPECIAL MEETING** of the
Adult Parole Authority held at 770 West Broad Street,
Columbus, Ohio 43222 on the above date.

IN RE: Roderick Davie, OSP #A253-718

SUBJECT: Death Sentence Clemency

CRIME, CONVICTION: Aggravated Murder with aggravating circumstances specifications (2 counts), Attempted Aggravated Murder with firearm specification, Kidnapping (3 counts), Aggravated Robbery (2 counts), Aggravated Burglary.

DATE, PLACE OF CRIME: 6/27/1991 in Warren, Ohio

COUNTY: Trumbull

CASE NUMBER: 91-CR-288

VICTIMS: John Ira Coleman (age 38)
Tracey Jefferys (age 21)
William Everett (surviving victim)

INDICTMENT: Counts 1-4: Aggravated Murder with aggravating circumstance specifications, Count 5: Attempted Aggravated Murder with firearm specification; Counts 6-8: Kidnapping; Count 9-10: Aggravated Robbery; Count 11: Aggravated Burglary.

TRIAL: March 12, 1992: Found Guilty by Jury as indicted; Counts 3 & 4 dismissed thereafter by the State.

DATE OF SENTENCE: March 23, 1992

SENTENCE: Aggravated Murder with aggravating circumstance specifications (2 counts): DEATH
Attempted Aggravated Murder: 7-25 years w/ 3 years actual for the gun specification
Kidnapping (3 counts): 10-25 years
Aggravated Robbery (2 counts): 10-25 years
Aggravated Burglary: 10-25 years

ADMITTED TO INSTITUTION: March 25, 1992

JAIL TIME CREDIT: 272 days

TIME SERVED: 18 years, 4 months (does not include JTC)

AGE AT ADMISSION: 20 years old
CURRENT AGE: 38 years old
DATE OF BIRTH: October 6, 1971
JUDGE: Honorable John M. Stuard
PROSECUTING ATTORNEY: Dennis Watkins

FOREWORD:

Clemency in the case of Roderick Davie, A253-718 was initiated by the Ohio Parole Board, pursuant to Section 2967.03 and 2967.07 of the Ohio Revised Code and Parole Board Policy #105-PBD-01.

On June 28, 2010, Roderick Davie declined the opportunity to be interviewed via video-conference by the Parole Board at the Ohio State Penitentiary. A Clemency Hearing was then held on July 14, 2010 with eight (8) members of the Ohio Parole Board participating. There were no arguments in support of clemency made at this hearing. Arguments in opposition to clemency were presented.

The Parole Board considered all of the written submissions, arguments, information disseminated by presenters at the hearing, prior investigative findings as well as judicial decisions and deliberated upon the propriety of clemency in this case. With eight (8) members participating, the Board voted 8 to 0 to provide an UNFAVORABLE recommendation for clemency to the Honorable Ted Strickland, Governor of the State of Ohio.

DETAILS OF THE INSTANT OFFENSE (91-CR-288):

The following account of the instant offense was obtained from the Ohio Supreme Court opinion, decided November 26, 1997:

On the morning of June 27, 1991, Roderick Davie entered his former place of employment, Veterinary Companies of America (“VCA”), in Warren and murdered John Ira Coleman and Tracey Jefferys, and attempted to murder William John Everett.

Davie worked at VCA, a distributor of pet and veterinarian supplies in Warren, for almost a year until he was fired in April 1991. While employed at VCA, Davie got along well with fellow employees Tracey Jefferys and John Everett, and socialized with them outside the workplace. After Davie’s termination from VCA, Coleman was hired as a truck driver. Approximately one week before the murders, Davie and Everett ran into each other at a cafe and had a friendly conversation.

On June 27, Everett arrived to work at VCA at approximately 6:50 a.m. Jefferys, who as

VCA secretary normally arrived at 9:00 a.m., got in at 6:55 a.m. to open the building. Coleman got to work at approximately 7:20 a.m., and the three went about their normal workday routine. As Everett was loading his truck for deliveries, Davie appeared at the VCA warehouse around 7:30 a.m. and spoke briefly with him. Everett knew that Davie wasn't permitted there and brushed Davie off while continuing to load his truck. When Everett finished, he turned around, but Davie was not there. Everett proceeded into the lunch room to pick up his supplies and invoices.

Suddenly, Davie came up behind Everett with Tracey, who was crying and shaking. Davie had a black revolver in his right hand and ordered Everett and Tracey to get in the warehouse area of the VCA building. Upon entering the warehouse, Davie yelled at Coleman, who was still loading his truck, to come over. Davie then ordered the three to lie face down on the warehouse floor.

As they were lying down, Davie said to them, "So, you all work for VCA, huh?" Everett then heard gunshots, and he saw the first shot hit the floor near his left arm. Then, Everett felt shots in the back of his head, shoulder, and left arm, but he remained conscious.

Everett heard Tracey get up and thought she ran toward the dock area. Another shot was fired. Everett heard Davie call out to Tracey, "Come here, bitch," and brought her back. Davie then said to Coleman, "So you ain't dead yet, huh, brother?" Another shot was fired. Davie then took Everett's wallet from his left rear pocket and said to Tracey, "You're lucky, I'm out of bullets." Everett heard Tracey run and open the lunch room door while Davie pursued her.

At no time did Everett see any person at VCA other than Coleman, Jefferys, and Davie. For three to five minutes, Everett heard Tracey screaming loudly from the lunch room. Then her screaming stopped, and Everett remained lying on the warehouse floor, thinking over what to do next while hearing his blood drip down the floor drain to his right. Everett looked up and initially saw neither Tracey nor Davie. As he looked around, he saw Davie with his back to him, standing in the doorway of an office. Everett, though wounded, then made his way out of the building through the north dock door.

At that time, Donna Smith was driving along Main Street on her way to work. She saw a bleeding white male, later identified as Everett, stumbling across the VCA parking lot, and waving his hands trying to attract attention. Smith then saw a black male come out from the VCA dock area and run around the front of a parked truck. Smith stopped her car on the bridge near VCA to get out and attempt to aid Everett. Another woman driving by also stopped to help. However, before they could get to Everett, a truck came "flying out" of the VCA parking lot across both lanes of Main Street. Everett managed to get up and stumble across Main Street. He climbed over the bridge abutment and fell underneath it to get away from the truck, which was speeding towards him. The truck, however, crashed into the side of the bridge. The black male driving the truck got out, stared at Smith for about fifteen seconds, and then jumped over the side of the bridge. Smith and the other woman then went to summon help. Later that morning, Smith chose Davie's photo out of an array and identified him as the man she saw in the truck.

Everett testified that he jumped over the end of the bridge in order to avoid the truck. After the truck crashed into the bridge, Davie came at Everett with a stick and began hitting him on the head and trying to poke him in the eye. After a brief struggle, Davie apparently saw someone looking down from the bridge and fled.

Police Officer Michael Albanese arrived on the scene and found the VCA truck up against the bridge abutment. He found Everett near death on the ground down from the bridge abutment. Albanese told Everett, who was weak and talking in a low voice, that he was going to take a dying declaration from him. Everett told him the name of his assailant, and Albanese reported the name of "Robert Davis" as the suspect over the police radio. A short time later, Albanese again asked Everett who his assailant was. Everett told Albanese that he knew his assailant, and Albanese then gave the name "Roderick Davie" out over the police radio.

Everett informed Albanese that two more people had been shot and were in the VCA building. Police officers then found John Coleman and Tracey Jefferys dead in the VCA building.

A folding chair near Jefferys's body bore Davie's fingerprint in blood. Hairs on the chair proved to be microscopically consistent with Jefferys's hair. Police found a revolver in the truck.

Dr. Roberto E. Ruiz, Chief Deputy Coroner in Summit County and Deputy Coroner in Stark County, performed autopsies on Coleman and Jefferys. He testified that Coleman, shot four times, died almost immediately when he was shot in the head. Dr. Ruiz stated that Jefferys's death was caused by lesions in the brain and skull fracture due to blunt force trauma. Dr. Ruiz opined that Jefferys's injuries could have been caused by a folding chair. Dr. Ted Soboslay, Coroner of Trumbull County, concurred in Dr. Ruiz's findings.

At approximately 8:30 a.m. on the day of the murders, Carl Miller, chief bailiff at the Warren Municipal Court, received a phone call from Dwayne "Styx" Thomas, whom he had known for several years. Thomas told Miller that he was not involved in the murders, but that he had the perpetrator with him, whom he identified as Davie. Miller and Police Captain Timothy Downs went to the White Court address given by Thomas, arrested Davie, and advised him of his *Miranda* rights. Because of an active capias warrant on Thomas, police also took him with Davie to police headquarters. However, Thomas was not formally placed under arrest.

At the police station, Lt. Carl Blevins and Det. Morris Hill twice advised Davie of his constitutional rights. The first time, Davie declined to sign a waiver of rights; the second time, he said that he did not want to make a statement. The questioning then ceased and Davie was taken to a cell.

Around 2:00 p.m. that afternoon, Davie told Sgt. Mark Massucci that he wanted to talk to Det. Sgt. Gary Vingle. Davie was brought back to an interview room, and police again

advised him of his *Miranda* rights. Davie told the detectives, “I just flipped out this morning. I went down to VCA and shot 'em up.” Davie admitted that he shot both Coleman and Everett and that he beat Jefferys with a chair. Davie further admitted that he tried to run Everett over with a truck and that he came back home in Jefferys's car.

Sgt. Massucci testified that he went with Thomas to the White Court residence where Davie lived with his girlfriend, Sonya Barnes. There, Thomas directed Massucci to a wooded area behind the homes on White Court, where they found a plastic bag containing Davie's clothes. Davie had told Thomas that he had thrown the bag of clothing there. In the bag were bloodstained clothes, cartridge casings, and Jefferys's checkbook, which was in the back pocket of the blue jeans found in the bag. The blood stains on Davie's shirt were consistent with Jefferys's blood. The casings had been fired from the gun found in the truck.

Later in the day, detectives went to Barnes's home, where they were given permission to search the premises without a warrant. When they walked in, they saw Jefferys's black change purse on the kitchen table and Everett's wallet on top of the refrigerator. Barnes said that the change purse was not hers, and she did not know to whom it belonged.

In July 1991, the grand jury indicted Davie on four counts of aggravated murder for the murders of Coleman and Jefferys: two counts charging violations of R.C. 2903.01(A), and two counts charging violations of R.C. 2903.01(B). The four aggravated murder counts each carried four specifications: murder as “a course of conduct” involving the killing of two or more persons (R.C. 2929.04[A][5]); murder during a kidnapping (R.C. 2929.04[A][7]); murder during an aggravated robbery (R.C. 2929.04[A] [7]); and murder during an aggravated burglary (R.C. 2929.04[A][7]). In addition, Davie was indicted for the attempted aggravated murder of Everett (R.C. 2923.02) with a firearm specification; three counts of kidnapping of Coleman, Jefferys, and Everett (R.C. 2905.01[A][2] and [3]); two counts of aggravated robbery of Jefferys and Everett (R.C. 2911.01); and one count of aggravated burglary by stealth (R.C. 2911.11[A][2]).

PRIOR RECORD

Juvenile: Roderick Davie, by his own admission, indicates that at the age of 15 he was arrested for 2-3 theft offenses. No further information is available.

Adult: Roderick Davie has the following known adult arrest record:

| <u>Date</u> | <u>Offense</u> | <u>Location</u> | <u>Disposition</u> |
|------------------------|--|------------------------|---|
| 01/18/1990 (Age 18) | Receiving Stolen Property, Possession Criminal tools | Warren, Ohio | Fined. |
| 2/08/1990 (Age 18) | Petty Theft (90CRA114) | Warren, Ohio | 2/28/1990: 20 days jail, credit for time served. |

| | | | |
|------------------------|--|--------------|-----------------|
| 08/31/1990 (Age 18) | Disorderly Conduct | Warren, Ohio | Fined. |
| 12/28/1990 (Age 19) | Disorderly Conduct | Warren, Ohio | Fined. |
| 6/27/1991 (Age 19) | Aggravated Murder (2), Attempted Aggravated Murder, Kidnapping (3), Aggravated Robbery (2), Aggravated Burglary (91CR280) | Warren, Ohio | INSTANT OFFENSE |

Institutional Adjustment:

Roderick Davie was admitted to the Department of Rehabilitation and Correction on March 25, 1992. His work assignments while incarcerated at the Mansfield Correctional Institution include Barber, Laundry Worker and Recreation Worker. His work assignments at the Ohio State Penitentiary include Food Service Worker, Clerk Administrator, and Porter. Davie voluntarily enrolled in GED classes, and received his GED in August 2007. He has participated in community service and religious service programming while at the Ohio State Penitentiary.

Since his admission, Davie has accumulated the following disciplinary record which resulted in placement in disciplinary control:

- 10/30/1992: Disrespect to an officer, staff member, visitor or other inmate. Davie disrespected another inmate by throwing liquid on him. He received 5 days in disciplinary control for this rules infraction.
- 12/16/1993: Disrespect to an officer, staff member, visitor or other inmate. Davie made disrespectful and threatening comments towards a staff member. He received 5 days in disciplinary control for this rules infraction.
- 12/27/1993: Disrespect to an officer, staff member, visitor or other inmate. Davie made disrespectful comments towards a Corrections Officer. He received 8 days in disciplinary control for this rules infraction.
- 08/02/1996: Disrespect to an officer, staff member, visitor or other inmate. Davie authored an Informal Complaint Resolution that contained disrespectful language. He received 5 days in disciplinary control for this rules infraction.
- 01/10/1999: Disrespect to an officer, staff member, visitor or other inmate. Davie made disrespectful and threatening comments toward a Corrections Officer. He received 13 days in disciplinary control for this rules infraction.
- 01/04/2006: Disobedience of a direct order. Davie and two other inmates refused orders to go to the exercise area until they were done praying. Their refusal delayed the Corrections Officers required security checks. He received 10 days in disciplinary control for this rules infraction.

- 01/24/2006: Unauthorized possession, manufacture, or consumption of drugs or any intoxicating substance. Davie was in possession of contraband including unauthorized medication and materials used for tattooing. He received 7 days in disciplinary control for this rules infraction.
- 09/02/2007: Causing or attempting to cause, physical harm to another. Davie caused physical harm to his sister by pressing her face against the visiting glass and not allowing her to pull away. He received 15 days in disciplinary control for this rules infraction.
- 10/08/2008: Fighting – with or without weapons, including instigation of, or perpetuating fighting. Davie was in a physical altercation with another inmate. He received 15 days in disciplinary control for this rules infraction.
- 10/14/2008: Threatening bodily harm to another, with or without a weapon. Davie made threatening comments towards a Corrections Officer. He received 14 days in disciplinary control for this rules infraction.

Davie has received approximately forty-five (45) additional conduct reports for minor rules infractions since he was admitted to the Department of Rehabilitation and Correction in 1992. They include Possession of Contraband (9/1993, 10/1995, 10/1999, 6/2000, 7/2000, 4/2001, 7/2007), Threats to a Staff Member (10/1995, 10/1996), Destruction of State Property (11/1992, 9/2006), Tattooing (11/1992), Disobedience of a Direct Order from Staff (9/1993, 2/1994, 3/1994, 12/1994, 4/1995, 1/1998, 6/1998, 6/2000, 7/2000, 3/2001, 4/2001, 2/2006), Disrespect to a Staff Member (8/1993, 10/1995, 2/1996, 7/1996, 8/1996, 2/1997, 3/1997, 11/1997, 5/1999, 6/2000, 7/2000), Creating a Disturbance (6/1992, 6/1992, 11/1992, 4/1993, 7/1993, 9/1993, 1/1995, 7/1996, 2/2001) and Violation of Published Rules (8/1992).

APPLICANT’S STATEMENT:

Mr Davie declined to be interviewed.

ARGUMENTS IN SUPPORT OF CLEMENCY:

An application for executive clemency was not submitted, and no arguments in support of clemency were presented at the hearing conducted on July 14, 2010.

ARGUMENTS IN OPPOSITION TO CLEMENCY:

Trumbull County Prosecutor Dennis Watkins submitted written arguments and other materials in opposition to clemency, and presented the following arguments in opposition to clemency at the hearing conducted on July 14, 2010:

- Nothing has changed since the jury convicted Davie, and recommended a death sentence. In fact, given Davie’s institutional misconduct, he is now even more deserving of the death penalty.

- Davie came from a good family, without any evidence of familial abuse. In spite of this, he had a lengthy history of behavioral problems at school that continued in jail and prison. Davie did not take advantage of the interventions provided in response to these problems.
- Davie has expressed no remorse, or displayed any evidence that he cares at all about what he has done. He lied when he testified. His girlfriend described him as “normal” a short time after the crime which shows that he had no conscience. He has had institutional misconduct while incarcerated both in the county jail awaiting trial and since he has come to prison. He assaulted his sister when she visited him at the Ohio State Penitentiary. He has no regard for anyone else.
- The aggravating factors in this case make Davie the “worst of the worst.” He is an “unabashed psychopath.” Two of the victims in this case were friendly to him and were former co-workers who had nothing to do with him being fired. Davie knew that the person that fired him was not at the scene, because his car was not in the lot. However, Davie entered his former place of employment and killed two people and intended to kill the third. Davie beat Tracey Jefferys up to 50 times. John Coleman, a former Trumbull County Deputy Sheriff and Air Force veteran, was a complete stranger to Davie. Davie shot him execution style in the back of the head. It is a miracle that the third victim survived.
- There is absolutely no doubt about Davie’s guilt. He admitted it to police, and his fingerprints were found in Tracey Jefferys’ blood on the chair he used to beat her to death. Every form of possible evidence implicating Davie is present in this case. It is the strongest evidentiary case Mr. Watkins’ has prosecuted. All courts have affirmed the death sentence. Davie is a continuing explosive threat to everyone around him, and is not deserving of clemency.

VICTIMS’ REPRESENTATIVES:

The following survivors of victims John Coleman and Tracey Jefferys spoke in opposition to clemency:

- Randy Coleman, brother of John Coleman said that he was acquainted with Roderick Davie, and would occasionally give him a ride to work. He said that Davie did not know his brother when he killed him. He went on to say that his brother was a great brother and father, and that it is sad that younger members of his family never got to know him. Davie “took so much” from the family. The victim was the oldest of several siblings. He is angry that Davie has been able to sit around for 19 years pending the execution, paid for in part by his tax dollars.
- Benny Coleman, brother of John Coleman echoed some of Randy Coleman’s comments saying that they have been waiting 19 years for the state to “fulfill the sentence”, and that the victims did not have the opportunity to ask for clemency.

- Sandy Richmond, mother of Tracey Jefferys presented a photo of her daughter taken four days before the murder. She said that Tracey got along with people. She would help Davie out by occasionally giving him money for lunch, and loaning her car to him. Ms. Richmond says that she just wants justice for her daughter. Karen Ho, Administrator of the Office of Victim Services read a poem in Tracey's memory at Ms. Richmond's request.

Surviving victim William Everett also spoke in opposition:

- Mr. Everett stated that he occasionally socialized with Davie and extended friendship. He says that he taught him how to drive his truck, which was the same truck Davie used to try to run him over after shooting him. He said that Davie was caught stealing and involved in a fight with the building owner. He says that he can't put into words how he feels about this. It was horrible lying on the floor, having been shot, knowing that there was nothing that he could do to help the other victims. He wanted to assure the Board that there is no doubt in his mind about Davie's guilt, saying "You have the right guy."

PAROLE BOARD'S POSITION AND CONCLUSION:

The Ohio Parole Board deliberated extensively on the documentary and testimonial evidence provided. The Ohio Parole Board unanimously recommends against clemency for Roderick Davie for the following reasons.

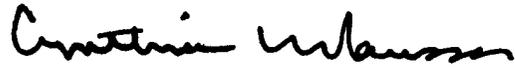
- These were senseless and savage crimes involving multiple slayings of people who were going about their day earning a living.
- The courts have reviewed the investigation and trial and found no irregularities warranting correction.
- There is no injustice here to be corrected by clemency. There is no doubt as to his guilt or his mental culpability in these murders.
- The sentence is proportionate to other cases where the death penalty has been imposed.
- Davie has not requested clemency.
- His institutional conduct makes it unlikely he could ever adjust to general population.

RECOMMENDATION:

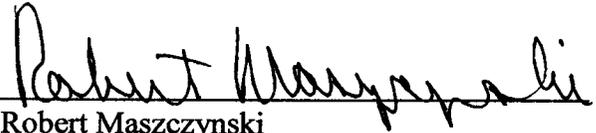
The Ohio Parole Board with eight (8) members participating, by a vote of eight (8) to zero (0), recommends to the Honorable Ted Strickland, Governor of the State of Ohio, that executive clemency be DENIED in the case of Roderick Davie, A253-718.

Adult Parole Authority
Ohio Parole Board Members
Voting **Favorable**

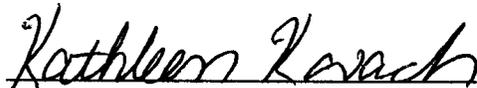
Ohio Parole Board Members
Voting **Unfavorable**



Cynthia Mausser, Chair



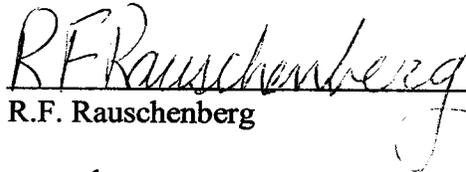
Robert Maszczyński



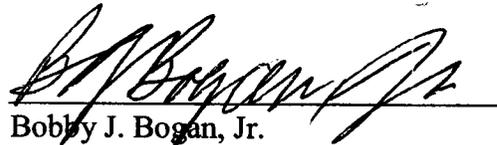
Kathleen Kovach



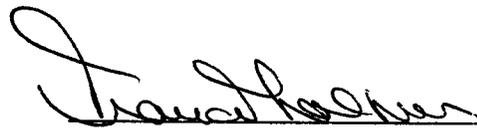
Ellen Venters



R.F. Rauschenberg



Bobby J. Bogan, Jr.



Trayce Thalheimer



Jose A. Torres