

IN THE SUPREME COURT OF OHIO

IN THE MATTER OF:

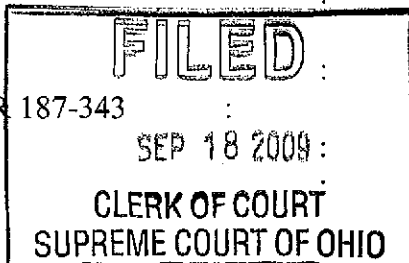
CASE NO.

09-1686

ROMELL BROOM

INMATE NUMBER 187-343

Petitioner,



COMPLAINT FOR WRIT OF HABEAS CORPUS

DEATH PENALTY CASE

EXECUTION SET FOR SEPTEMBER 22, 2009 AT 10:00 A.M.

To the Honorable Justices of the Supreme Court of Ohio:

Timothy F. Sweeney and Adele Shank represent that Romell Broom is about to be deprived of his life by the Warden at the Southern Ohio Correctional Facility and other employees of the State of Ohio (the State of Ohio and the responsible employees, officers and agents are hereinafter collectively called "the State"), without the legal authority, but under the color of a purported commitment and order, a true copy of which is attached.

1. The State on September 15, 2009, attempted to execute Petitioner Romell Broom, but it failed. Broom has survived the execution and brings this action to prevent the State from ever trying to execute Broom again by any means or methods.

2. The pain, suffering and distress to which Broom was subjected on September 15, 2009, went well beyond that which is tolerated by the United States and Ohio Constitution. It was a form of torture that exposed Broom to the prospect of a slow, lingering death, not the quick and painless one he was promised and to which he is constitutionally entitled if he is going to be executed by the State. In the circumstances of this case, the pain, suffering and distress were deliberately and intentionally inflicted upon Broom, and the fact that he would suffer such pain,

suffering and distress was completely foreseeable to the State, as opposed to being the result of an “accident,” or an “innocent misadventure,” or an “isolated mishap.” It was unnecessary pain, suffering and distress.

3. Any further attempts by the State to execute Broom, by lethal injection or any other means, would violate the prohibition against cruel and unusual punishment under the Eighth and Fourteenth Amendments to the United States Constitution. Any further attempts would also violate Broom’s right to substantive due process as guaranteed by the Fourteenth Amendment because Ohio has a statutory guarantee of a quick and painless execution, something the State has now demonstrated it is unable to provide to Broom. Any further attempt would also violate corresponding provisions of the Ohio Constitution.

4. Broom is entitled to temporary, preliminary and permanent injunctive relief against any further efforts by the State to execute him by any means and any methods. Although Broom was sentenced to death, it would now be unlawful and in violation of his constitutional rights for the State to seek to again carry out a death sentence on Romell Broom.

JURISDICTION AND VENUE

5. In extraordinary circumstances, habeas corpus will lie where there is no adequate legal remedy, *i.e.*, appeal or post conviction relief. See The State ex rel. Pirman v. Money (1994) 69 Ohio St.3d 591.

6. Another attempt to carry out a death sentence on Broom will violate Broom’s rights to be free from cruel and unusual punishment under the Eighth and Fourteenth Amendments to the United States Constitution; Broom’s rights to be free from violations of his substantive and procedural due process rights under the Fourteenth Amendment to the United States Constitution;

Broom's right to Equal Protection under the Fourteenth Amendment to the United States Constitution; Broom's rights against Double Jeopardy in the Fifth Amendment as applied to the States through the Fourteenth Amendment; and Broom's rights under corresponding provisions of the Ohio constitution.

7. Broom seeks equitable, injunctive, and declaratory relief,

8. Habeas corpus relief is available to redress a nonjurisdictional claim when there is no adequate remedy at law. Zanders v. Anderson, 74 Ohio St.3d 269 (1996).

9. Ohio Revised Code 2725.05 should not be read to control the exercise of this Court's original jurisdiction granted to this Court. See Stahl v. Shoemaker (1977), 50 Ohio St.2d 351.

THE PARTIES

10. Romell Broom is a United States citizen and a resident of the State of Ohio. He is currently a death-sentenced inmate in the custody of the State of Ohio, and under the control and supervision of the State of Ohio Department of Rehabilitation and Correction, who have him incarcerated now at the Southern Ohio Correctional Facility ("SOCF") in Lucasville, Ohio, under Inmate No. A-187-343. Broom was the subject of an attempted execution by the State on September 15, 2009, during which he was subjected to extreme cruelty and wanton pain. If his death sentence is not enjoined or otherwise delayed, the State presently intends to attempt to execute Broom again.

FACTS IN SUPPORT CLAIMS

11. The State has adopted procedures, practices and protocols for conducting executions by lethal injection. These procedures, practices and protocols are written and unwritten, and they include the most recent written protocol, Number 01-COM-11, effective as of May 14, 2009. The procedures, practices and protocols, both written and unwritten, and including the most recent

written protocol adopted by the State effective May 14, 2009, are hereinafter called collectively “the Subject Execution Protocols.”

12. The Subject Execution Protocols were in place on September 15, 2009.

13. The Subject Execution Protocols are administered and carried out by an “execution team” that includes approximately 15-16 members, all of whom are employees of Ohio’s prisons, with the vast majority being employed at SOCF. The execution team members are selected and approved by the State. The execution team includes, broadly speaking, two categories of team members: (1) security, and (2) medical.

14. The “security” members are by far the vast majority of the team, and their principal functions are security and transport. The “medical” members are responsible for, among other things, obtaining and maintaining IV access in the inmate’s body, delivering the lethal drugs through the IV’s, and (along with the defendant Warden and the “team leader”) monitoring the inmate once the drugs are started to determine if the drugs are being properly delivered and are having their desired effect throughout the process until death. There are only 3-4 medical team members, and none of the medical team members are physicians. They are, instead, para-medical professionals such as phlebotomists and emergency medical technicians.

15. The execution team that was in place on September 15, 2009, and which attempted to carry out Broom’s execution on that date, is hereinafter called “the Subject Execution Team.”

16. Broom is under a sentence of death, and he has been since 1985.

17. For many years, the State has known that it would one day be called upon to execute Broom by utilizing a method of lethal injection. The State has also known for years that the method of lethal injection it has chosen to use – i.e., the Subject Execution Protocols -- was going to require

the State to obtain access to Broom's veins with intravenous ("IV") needles, install the accompanying IV sheathes into the accessed veins, attach receptacles to the IV's to keep the veins "open" so that the fatal drugs can be delivered to the body, and monitor and maintain that IV access throughout the process until death. The process of obtaining and maintaining proper "IV access" is a core and crucial part of any execution the State conducts. Indeed, the execution process begins when the designated execution team members enter the inmate's holding cell, some 15 feet from the death chamber, in order to access the veins and insert the IV's. If execution team members are not able to obtain and maintain proper IV access throughout the execution, the condemned inmate will be subjected to a substantial risk of serious harm, because the anesthetic drug (the first of the three) likely will not be delivered into the circulatory system in an adequate dose to ensure adequate anesthesia throughout the process.

18. On April 22, 2009, the Ohio Supreme Court scheduled Broom's execution for September 15, 2009, at 10:00 a.m. The State thus knew for some 5 months before Broom's execution date that he was scheduled to be executed on September 15, 2009.

19. Broom arrived at SOCF for his execution on Monday morning, September 14, 2009. He was transported to SOCF by members of the execution team.

20. Upon his arrival at SOCF, Broom was immediately taken to the holding cell in the death house, where he was to spend the rest of his time until the execution on September 15, 2009. At all times, he was watched by members of the execution team, who are stationed immediately outside his small holding cell around the clock.

21. Broom's execution was scheduled to begin at 10:00 a.m. At some point prior to the execution, an examination of Broom's veins was undertaken by prison staff and it was determined

that the right arm was amenable to IV access, and that the left arm would likely be more difficult or impossible.

22. Because of pending appeals, the start of the execution was delayed from 10:00 a.m. until approximately 1:00 p.m.

23. At approximately 1:00-1:30 p.m., the exact time is not clear, the Warden of SOCF came to the front of Broom's cell and read the death warrant to Broom. Thereafter, two medical members of the execution team, along with 4 or more security members, entered Broom's cell to begin the execution. It was discovered that the drugs to be used in the execution were old and the syringes holding the drugs had to be discarded and new drugs prepared.

24. The medical members were unable to get access to Broom's veins. They tried numerous times and then took a break. They then tried numerous times again. They still could not gain access to a vein that would allow for IV insertion. During this process, Broom was subjected to extreme cruelty and to wanton and unnecessary pain. He was visibly in pain at various times, was observed to be wincing, and, eventually, was crying because of the pain and trauma that was inflicted upon him. The execution team members, as required by the Subject Execution Protocols and as directed by the State, made repeated and persistent attempts to get access to Broom's veins by poking him with IV needles again and again, at least some 14-18 times and maybe more, and they continued to do so when it was or should have been obvious that their repeated efforts to obtain access were futile and were causing Broom severe and excruciating pain and severe emotional distress.

25. The process was taking so long that his counsel at the prison (Adele Shank) contacted counsel in Cleveland, Ohio (Tim Sweeney). They ultimately decided to prepare a request for relief, which was prepared and then emailed at approximately 4:00 p.m., to Ohio Supreme Court Chief

Justice Thomas Moyer and Governor Ted Strickland asking them to stop the execution on the grounds that Broom was being subjected to cruel and unusual punishment.

26. The execution attempts on Broom continued for approximately two and one-half hours, perhaps longer, and the process was only stopped when Gov. Strickland issued what he called a “reprieve” at approximately 4:24 p.m. EST.

27. The reprieve was granted to “allow the Department to recommend appropriate next steps” to the governor. Neither Broom nor his counsel has been notified of what if any “next steps” are to be taken.

28. During the time the State was attempting to execute Broom, he was denied access to his attorney who was present at SOCF. When it became clear the State could not obtain venous access despite repeated attempts, and that Broom was in severe pain and emotional distress, Broom demanded that his attorney, Adele Shank, be allowed to watch the further attempts the team members were making to access his veins. This request was denied. In denying the request, a prison lawyer told Ms. Shank that the Subject Execution Protocols prohibit the inmate to have contact with his lawyers after the execution process has started, as this process obviously had. Counsel repeatedly asked to be allowed to speak with Broom and was repeatedly denied the opportunity to do so.

29. In halting the failed execution attempt and issuing a reprieve, Gov. Strickland ordered that the State would attempt to execute Broom again in one week, on September 22, 2009, at the same place.

30. After the execution failed on September 15, 2009, the State cruelly ordered that Broom remain at SOCF, where he is now being housed among his executioners while he waits for them to attempt to execute him again on September 22, 2009.

31. The execution team was not prepared on September 15, 2009, to carry out Broom's execution in a manner that complied with constitutional standards or that complied with Ohio's statutory requirement of a quick and painless death.

32. Although the State knew or should have known that Broom's veins would present challenges for the IV access part of their execution process, the State failed to properly prepare and sufficiently train the execution team to access Broom's veins in a way that was not inhumane and cruel. The execution team was not sufficiently prepared, was not sufficiently trained, and lacked the necessary competence to properly access Broom's veins and to do so in a way that was not inhumane and cruel.

33. Broom has previously placed the State on notice, as early as March 2007, that he believed the State's adoption and use of the Subject Execution Protocols presented a substantial risk that he would be subjected to severe and wanton pain during his execution, and that this substantial risk could be avoided with reasonable and readily available alternatives. The State ignored Broom's complaints and did nothing to address them.

34. The State also knew long before September 15, 2009, from their prior experiences conducting lethal injection executions in Ohio with the Subject Execution Protocols and the Subject Execution Team, that their use of the Subject Execution Protocols has already caused inmates to experience severe and wanton pain during executions. These prior executions include, but are not limited to, the execution of Joseph Clark in May 2006, and the execution of Christopher Newton in May 2007, during which both inmates suffered severe, wanton, and unnecessary pain in violation of the inmate's constitutional and statutory rights. Clark's and Newton's executions differed from Broom's in that the State eventually was able to set IVs in Clark's and Newton's arms, so, unlike

Broom, they were not able to survive the harrowing experience. The State has demonstrated a pattern of inexcusable neglect and reckless indifference to the constitutional rights of the condemned inmates. The State's pattern of trouble gaining IV access is significant because IVs that are set after numerous failed attempts are less likely to be properly set in the vein, thus creating a substantial risk that the drugs will not be successfully delivered into the circulatory system and that the inmate will suffer serious harm.

35. And, despite their actual knowledge of these recent examples of executions that actually caused inmates to suffer severe and wanton pain, and despite Broom's prior specific complaints that the defendants' Subject Execution Protocols needlessly expose him to a substantial risk of severe pain, the State did nothing on September 15, 2009, to protect Broom from the known and foreseeable risks of severe pain that he had warned about. The State was deliberately indifferent to the risks. The injuries Broom suffered on that date, and is continuing to suffer, were foreseeable and avoidable.

FIRST CLAIM FOR RELIEF

FIFTH, EIGHTH AND FOURTEENTH AMENDMENT CLAIMS THAT ANY FURTHER ATTEMPTS TO EXECUTE ROMELL BROOM WOULD VIOLATE THE CONSTITUTION

36. Broom incorporates by reference all facts and allegations described throughout this complaint as if fully re-written herein.

37. The State of Ohio has tried to execute Broom once and has failed.

38. Broom is blameless for the failure. He was cooperative in the process and did nothing to obstruct or delay the process or to cause it to fail.

39. The State bears all blame for the failure. The State was unable to successfully complete Broom's execution after it was started because, among other failures to be developed in discovery:

- The State failed to have properly trained and qualified personnel to perform the IV insertions on Broom's body.
- The State failed to recognize that each inmate presents unique issues of IV access and thus failed to prepare and train for the unique issues Romell Broom presented.
- The State failed to have sufficient and proper procedures in place to address the manner in which IV access would be obtained on Broom in the event the peripheral IV sites could not be established in a reasonable amount of time, and the State failed in this respect even though its own expert in the "Cooley" litigation had as recently as March 2009 that the State's failure to address this issue in the Subject Executions Protocols is a serious deficiency in their protocol.
- The State failed to have any contingency plans in place to address a known and recurring problem, *i.e.*, difficult peripheral IV access, even though the State has had at least two other executions in the past three years (Clark and Newton) during which access problems occurred and caused the subject inmates to experience severe and wanton pain during their executions.
- The State's flawed protocols called for the team members to take as much time as they needed, even as long as 14 hours, and by thus having no known time limit for attempting peripheral IV access, let alone no reasonable time limit, the State placed the team members in such an oppressively stressful situation that, when the inevitable problems

occurred, a policy of responding to those problems by resorting solely to repeated and persistent attempts at IV access for as much time as needed was doomed to fail and was guaranteed to cause Broom severe pain in the process.

40. During the State's failed execution attempt on Broom, the State subjected him to prolonged and excruciating physical pain and suffering and to severe emotional distress.

41. The pain, suffering and distress to which Broom was subjected on September 15, 2009, went well beyond that which is tolerated by the Constitution. It was a form of torture that exposed Broom to the prospect of a slow, lingering death, not the quick and painless one he was promised and to which he is constitutionally entitled if he is going to be executed by the State. In the circumstances of this case, the pain, suffering and distress were deliberately and intentionally inflicted upon Broom, and the fact that he would suffer such pain, suffering and distress was completely foreseeable to the State, as opposed to being the result of an "accident," or an "innocent misadventure," or an "isolated mishap." It was unnecessary pain, suffering and distress.

42. What happened to Broom on September 15, 2009, at the State's hands and under its direction, was inhuman and barbarous. It exhibited cruel indifference to Broom's rights.

43. The trauma inflicted upon Broom has continued after the attempted execution. He has been forced by the State to remain at SOCF, and is thus forced to live around the very executioners who tried to take his life once and will try again a second time unless enjoined. The State has unreasonably permitted Broom only one week, until September 22, 2009, to recover from the injuries and trauma he has sustained, and to be prepared to again face the same flawed and unconstitutional procedures and protocols as administered by the same unqualified personnel. Moreover, the State plans to go forward again in only one week, when it knows or should know that, because of the

trauma that was inflicted upon Broom on September 15, 2009, he will not be in any condition, physically or mentally, for the execution to proceed on September 22 without there being a repeat of the same, or worse, problems in establishing and maintaining IV access. The State has thus knowingly decided to make a second attempt at Broom's execution in circumstances that have made it highly probable that this second attempt will be more wantonly painful than the first.

44. Because the State has already subjected Broom to the pain, suffering and distress he endured during the attempted execution on September 15, 2009, and is continuing to subject him to additional pain, suffering and distress by ordering him to go through the same process again in one week, it would violate the Eighth and Fourteenth Amendments for the State to make any further attempts to execute Broom by any means. Any further attempts at Broom's execution may not constitutionally take place after the experience through which he has passed.

45. Any attempt to execute Broom a second time by any means or methods would also violate the Fifth Amendment's guarantee against Double Jeopardy as applied to the States through the Fourteenth Amendment. In pertinent part, the Fifth Amendment states "nor shall any person be subject for the same offence to be twice put in jeopardy of life or limb." A second attempt to execute Broom would violate the Fifth Amendment. This Court must prevent the implementation of an unlawful execution.

46. Broom is entitled to temporary, preliminary and permanent injunctive relief against any further attempts by the State to execute him again by any means. He is also entitled to declaratory relief that it would be unlawful for the State to make any further attempts to carry out a death sentence on Romell Broom. His death sentence may no longer be carried out by any means or methods without violating the constitutional rights identified herein.

47. He is also entitled to such other relief as may be appropriate in his favor.

SECOND CLAIM FOR RELIEF

THE IMPLEMENTATION OF THE DEATH PENALTY IN THIS CASE VIOLATES ARTICLE I, SECTIONS 1,2,8,9,10 AND 16 OF THE OHIO CONSTITUTION

48. Broom hereby incorporates all facts and allegations throughout this complaint as if fully re-written.

49. This case appears to be a case of first impression in the State of Ohio. This Court must examine each allegation as it relates to the specific provisions of the Ohio Constitution cited above.

50. The Ohio Constitution may provide more protection for Mr. Broom than the federal constitution.

51. Any attempt to execute Broom again is cruel and unusual under the Ohio Constitution, Art 1, section 9; violates due process under Art. I, section 16; constitutes double jeopardy under Art. I, Section 10; violates his right to habeas corpus under Art. I, section 8; violates his right to life under Art. I, section 1 and to equal protection under Art. I, section 2.

52. Broom is entitled to temporary, preliminary and permanent injunctive relief against any further attempts by the State to execute him again by any means. He is also entitled to declaratory relief that it would be unlawful for the State to make any further attempts to carry out a death sentence on Romell Broom. His death sentence may no longer be carried out by any means or methods without violating the state constitutional rights identified herein.

53. Broom is also entitled to such other relief as may be appropriate in his favor.

THIRD CLAIM FOR RELIEF

DOUBLE JEOPARDY UNDER FIFTH AND FOURTEENTH AMENDMENTS OF THE FEDERAL CONSTITUTION IS VIOLATED BY ANOTHER EXECUTION ATTEMPT

54. Broom hereby incorporates all facts and allegations throughout this complaint as if fully re-written.

55. Another execution attempt would violate Broom's right against Double Jeopardy as guaranteed by the Fifth and Fourteenth Amendments of the federal Constitution.

56. The Fifth Amendment states "...nor shall any person be subject for the same offence to be twice put in jeopardy of life or limb."

57. Another execution attempt subjects Broom to the loss of life or limb in violation of the federal Constitution for the second time.

CONCLUSION

58. Romell Broom seeks a writ of habeas corpus under both State and Federal law setting aside his death sentence.

59. A stay of execution must be issued if this Court needs more time to consider the merits of this Petition.

60. This Court must provide a remedy for the State and federal Constitutional violations alleged herein.

61. An evidentiary hearing to more fully develop the facts and law is hereby requested.

62. There is no other adequate remedy at law for the Constitutional violations alleged herein.

63. This Court must grant all relief it deems appropriate.

Verification and Affidavit

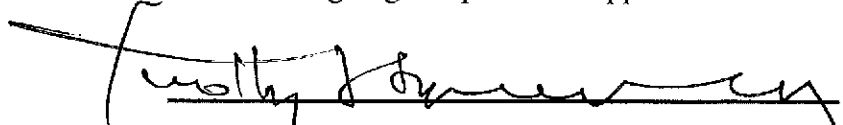
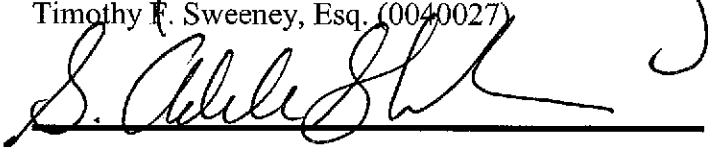
State of Ohio

Franklin County

:

S.S.

The above named Timothy F. Sweeney and Adele Shank, being duly sworn, say that all the facts stated and matters contained in the foregoing complaint and application are true.


 Timothy F. Sweeney, Esq. (0040027)

 S. Adele Shank, Esq. (0022148)

Sworn to and subscribed before me this 18th day of September 2009.

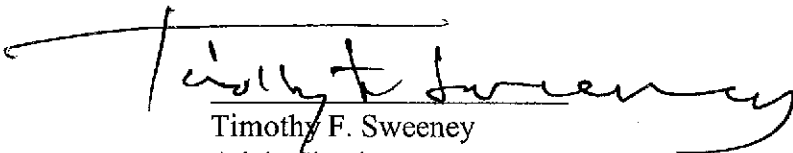

Notary Public



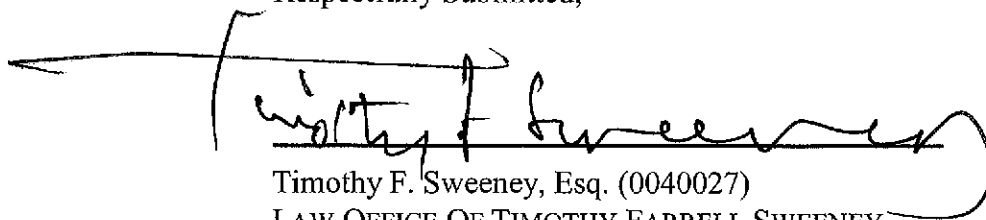
KELLY SCHNEIDER
ATTORNEY AT LAW
NOTARY PUBLIC, STATE OF OHIO
My commission has no expiration date.
Section 147.03 R.C.

Certificate of Service

I hereby certify that a true copy of the foregoing document was served on the Respondent, Warden Kerns, at the SOCF, P.O. Box 45699, Lucasville, Ohio 45699 and/or his counsel, the Attorney General for the State of Ohio Richard Cordray, or one of his assistants, 150 E. Gay Street, 16th floor, Columbus, OH 43215 this 18th day of September 2009.


 Timothy F. Sweeney
 Adele Shank

Respectfully Submitted,



A handwritten signature in cursive script, reading "Timothy F. Sweeney", is written over a horizontal line. A large, sweeping flourish extends from the end of the signature back to the left, crossing the line again.

Timothy F. Sweeney, Esq. (0040027)
LAW OFFICE OF TIMOTHY FARRELL SWEENEY
The 820 Building
820 West Superior Ave., Suite 430
Cleveland, Ohio 44113-1800
(216) 241-5003



A handwritten signature in cursive script, reading "S. Adele Shank", is written over a horizontal line.

S. Adele Shank, Esq. (0022148)
LAW OFFICE OF S. ADELE SHANK
3380 Tremont Road, 2nd Floor
Columbus, Ohio 43221-2112
(614) 326-1217
(614) 326-1028 (fax)
shanklaw@att.net

Counsel for Romell Broom

Appendix

Certified copy of sentencing opinion, State v. Romell Broom, Case No. CR-196643
(Cuyahoga C.P. Oct. 22, 1985).....Ex. 1

Certified copy of Journal Entry, State v. Romell Broom, Case No. CR-196643 (Cuyahoga
C.P. Oct. 22, 1985)
.....Ex. 2

Warrant of Reprieve.....Ex. 3

The State of Ohio, }
COUNTY OF CUYAHOGA } ss.

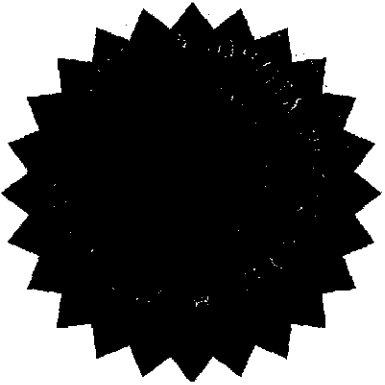
I, **GERALD E. FUERST**, Clerk of the

Common Pleas Court within and for said County, and in whose custody the Files, Journals and Records of said Court are required by the laws of the State of Ohio, to be kept, hereby certify that the foregoing is taken and copied from the ~~Journal~~ OPINION CR 196643 of the proceedings of the Common Pleas Court within and for said Cuyahoga County, and that the said foregoing copy has been compared by me with the original entry on said Journal OPINION CR 196643 and that the same is a correct transcript thereof.

In Testimony Whereof, I do hereunto subscribe my name officially and affix the seal of said Court, at the Court House in the City of Cleveland, in said County, this 17 day of, September, A.D. 20 09

GERALD E. FUERST, Clerk of Courts

By Carol Hayes Deputy Clerk



OCT 22 11 53 AM '85
GERALD F. FUERST
CLERK OF COURTS
CUYAHOGA COUNTY

STATE OF OHIO)
(SS:
COUNTY OF CUYAHOGA)

IN THE COURT OF COMMON PLEAS
CASE NO. CR-196643

RECEIVED FOR FILING

OCT 22 1985

GERALD F. FUERST, CLERK
XII

STATE OF OHIO,)
Plaintiff, ()
vs,)
ROMELL BROOM,)
Defendant.)
oo0oo

OPINION
[R.C. §2929.03(P)]

Paul R. Maria, J.:

BACKGROUND

THIS CASE ORIGINATED WITH A FILING OF AN INDICTMENT ON JANUARY 10, 1985, AGAINST THE DEFENDANT, ROMELL BROOM, CHARGING HIM WITH THE COMMISSION OF EIGHT OFFENSES. ROMELL BROOM WAS ARRAIGNED ON JANUARY 15, 1985, AT WHICH PROCEEDING THIS CASE WAS ASSIGNED TO THE UNDERSIGNED JUDGE FOR TRIAL.

SINCE THE DATE OF ARRAIGNMENT, ON NUMEROUS COURT DAYS, AND ON THE RECORD AT THE REQUEST OF THE DEFENDANT, PRETRIALS, DISCOVERY PROCEEDINGS, HEARINGS ON A MULTIPLICITY OF SEPARATE DEFENSE MOTIONS, THE GUILT OR NON-GUILTY TRIAL, THE SENTENCING TRIAL AND THE SENTENCING PROCEEDING WERE HELD. ON OTHER DAYS, INFORMAL PROCEEDINGS NOT REQUIRING A COURT REPORTER WERE HAD.

YCL 650 PC 935

EXHIBIT
1
PENGAD 800-631-6988

AFTER RECEIVING THE INSTRUCTIONS OF THE COURT AS TO THE LAW APPLICABLE TO THE GUILT-NON-GUILT TRIAL AND UPON DUE DELIBERATION, THE TRIAL JURY, ON THE 3RD DAY OF OCTOBER, 1985, RETURNED ITS VERDICT AND FOUND THE DEFENDANT GUILTY OF THE FIRST COUNT OF AGGRAVATED MURDER, TOGETHER WITH THE TWO SPECIFICATIONS OF AGGRAVATING CIRCUMSTANCES THAT WERE SUBMITTED TO THE JURY, AND ALSO GUILTY OF ONE COUNT OF RAPE, ONE COUNT OF KIDNAPPING AND TWO COUNTS OF ATTEMPTED KIDNAPPING, LESSER INCLUDED OFFENSES OF THE INDICTED OFFENSES OF KIDNAPPING.

THE AGGRAVATING CIRCUMSTANCES THE DEFENDANT, ROMELL BROOM, WAS FOUND GUILTY OF COMMITTING WERE SET FORTH IN THE SPECIFICATIONS CONTAINED IN THE FIRST COUNT OF THE INDICTMENT AS TO AGGRAVATED MURDER AND WERE SET FORTH IN THE GUILTY VERDICT FORM SIGNED BY THE JURORS AS FOLLOWS:

1. THAT THE DEFENDANT, ROMELL BROOM, AS THE PRINCIPAL OFFENDER, COMMITTED THE OFFENSE OF AGGRAVATED MURDER OF TRINA MIDDLETON WHILE THE DEFENDANT WAS COMMITTING OR ATTEMPTING TO COMMIT THE OFFENSE OF KIDNAPPING, OR WHILE FLEEING IMMEDIATELY THEREAFTER.
2. THAT THE DEFENDANT, ROMELL BROOM, AS THE PRINCIPAL OFFENDER, COMMITTED THE OFFENSE OF AGGRAVATED MURDER OF TRINA MIDDLETON WHILE THE DEFENDANT WAS COMMITTING OR ATTEMPTING TO COMMIT THE OFFENSE OF RAPE OR WHILE FLEEING IMMEDIATELY THEREAFTER.

ON THE 9TH DAY OF OCTOBER, 1985, AFTER AN INTERIM PERIOD AFFORDED TO THE DEFENDANT FOR TRIAL PREPARATION, THE SECOND PHASE OF THIS TRIAL COMMENCED AS REQUIRED BY THE PROVISIONS OF REVISED CODE 2929.03(D). AT THIS SENTENCING PROCEEDING THE ORIGINAL TRIAL JURY HEARD ADDITIONAL EVIDENCE, TESTIMONY, THE STATEMENT OF THE DEFENDANT, ROMELL BROOM, AND THE ARGUMENTS OF RESPECTIVE COUNSEL RELATIVE TO THE FACTORS IN MITIGATION OF THE SENTENCE OF DEATH AS WELL AS TO THE AGGRAVATING CIRCUMSTANCES THE DEFENDANT WAS FOUND GUILTY OF COMMITTING.

THE MITIGATING FACTORS ADVANCED BY THE DEFENDANT FOR CONSIDERATION OF THE JURY INCLUDED, BUT WERE NOT LIMITED TO, THE NATURE AND CIRCUMSTANCES OF

THE OFFENSE, THE HISTORY, CHARACTER AND BACKGROUND OF THE DEFENDANT, ROMELL BROOM, AND ANY OTHER FACTORS WHICH THE JURY MIGHT FIND TO EXIST FROM THE EVIDENCE IN MITIGATION OF THE SENTENCE OF DEATH.

AFTER RECEIVING THE INSTRUCTIONS OF THE COURT AS TO THE LAW APPLICABLE TO THIS SENTENCING PROCEEDING, AND UPON DUE DELIBERATION, THE TRIAL JURY ON THE 10TH DAY OF OCTOBER, 1985, RETURNED ITS VERDICT AND FOUND UNANIMOUSLY THAT THE STATE OF OHIO PROVED BY PROOF BEYOND A REASONABLE DOUBT THAT THE AGGRAVATING CIRCUMSTANCES WHICH THE DEFENDANT, ROMELL BROOM, WAS FOUND GUILTY OF COMMITTING WERE SUFFICIENT TO OUTWEIGH THE MITIGATING FACTORS IN THIS CASE. THE JURY FURTHER RECOMMENDED IN ITS VERDICT THAT THE SENTENCE OF DEATH BE IMPOSED ON THE DEFENDANT, ROMELL BROOM, AS MANDATED BY THE PROVISIONS OF REVISED CODE 2929.03(D)(2).

THEREAFTER, THE COURT PROCEEDED TO IMPOSE SENTENCE PURSUANT TO DIVISION (D)(3) OF R.C. 2929.03. ON THE 16TH DAY OF OCTOBER, 1985, UPON CONSIDERATION OF RELEVANT EVIDENCE RAISED AT THE ORIGINAL TRIAL, THE TESTIMONY, OTHER EVIDENCE, THE STATEMENT OF THE OFFENDER, AND THE ARGUMENTS OF RESPECTIVE COUNSEL AT THE SENTENCING PROCEEDING, THIS COURT FOUND BY PROOF BEYOND A REASONABLE DOUBT THAT THE AGGRAVATING CIRCUMSTANCES WHICH THE DEFENDANT, ROMELL BROOM, WAS FOUND GUILTY OF COMMITTING DID OUTWEIGH THE MITIGATING FACTORS IN THE CASE AND THEREAFTER, ON THE 16TH DAY OF OCTOBER, 1985, THIS COURT IMPOSED THE SENTENCE OF DEATH UPON THE DEFENDANT, ROMELL BROOM.

THEREUPON, IT BECAME INCUMBENT UPON THIS COURT, PURSUANT TO THE PROVISIONS OF REVISED CODE 2929.03(F), TO STATE IN A SEPARATE OPINION THE COURT'S SPECIFIC FINDINGS AS TO THE EXISTENCE OF ANY MITIGATING FACTORS SET FORTH IN DIVISION (B) OF §2929.04 OF THE REVISED CODE, THE EXISTENCE OF ANY OTHER MITIGATING FACTORS, THE AGGRAVATING CIRCUMSTANCES THE DEFENDANT, ROMELL BROOM, WAS FOUND GUILTY OF COMMITTING, AND THE REASONS WHY THE

AGGRAVATING CIRCUMSTANCES WHICH THE DEFENDANT WAS FOUND GUILTY OF COMMITTING WERE SUFFICIENT TO OUTWEIGH THE MITIGATING FACTORS.

THIS TRIAL COURT NOW RESPECTFULLY SUBMITS THE FOLLOWING OPINION IN FULFILLMENT OF THE REQUIREMENTS OF THIS LAW.

OPINION

MITIGATING FACTORS:

AS PREVIOUSLY NOTED, THE PROVISIONS OF REVISED CODE SECTION 2929.03(F) REQUIRE THIS COURT TO STATE IN A SEPARATE OPINION THE COURT'S SPECIFIC FINDINGS AS TO THE EXISTENCE OF MITIGATING FACTORS PRESENT IN THE CASE. BASED UPON THE RELEVANT EVIDENCE RAISED AT TRIAL, THE TESTIMONY, OTHER EVIDENCE, THE STATEMENT OF THE DEFENDANT, ROMELL BROOM, AND THE ARGUMENTS OF RESPECTIVE COUNSEL, THE COURT FINDS THAT THE FOLLOWING CONCEPTS WERE PRESENTED TO THE COURT AND CONSIDERED AS BEING IN THE NATURE OF MITIGATING FACTORS:

1. THE NATURE AND CIRCUMSTANCES OF THE OFFENSE, THE HISTORY, CHARACTER AND BACKGROUND OF THE DEFENDANT, ROMELL BROOM.

AGGRAVATING CIRCUMSTANCES:

THE COURT FURTHER MAKES THE FOLLOWING SPECIFIC FINDINGS AS TO THE AGGRAVATING CIRCUMSTANCES THE DEFENDANT, ROMELL BROOM, WAS FOUND GUILTY OF COMMITTING:

1. THAT THE DEFENDANT, ROMELL BROOM, AS THE PRINCIPAL OFFENDER, COMMITTED THE OFFENSE OF AGGRAVATED MURDER OF TRINA MIDDLETON WHILE THE DEFENDANT WAS COMMITTING OR ATTEMPTING TO COMMIT THE OFFENSE OF RAPE, OR WHILE FLEEING IMMEDIATELY THEREAFTER;

2. THAT THE DEFENDANT, ROMELL BROOM, AS THE PRINCIPAL OFFENDER, COMMITTED THE OFFENSE OF AGGRAVATED MURDER OF TRINA MIDDLETON WHILE THE DEFENDANT WAS COMMITTING OR ATTEMPTING TO COMMIT THE OFFENSE OF KIDNAPPING, OR WHILE FLEEING IMMEDIATELY THEREAFTER.

VCL 650 PC 938

IN DELIBERATING UPON ITS DECISION IN THIS CASE AS REQUIRED BY THE PROVISIONS OF REVISED CODE 2929.03(D)(3), THE COURT EVALUATED ALL OF THE RELEVANT EVIDENCE RAISED AT THE ORIGINAL TRIAL, THE TESTIMONY, OTHER EVIDENCE, THE STATEMENT OF THE DEFENDANT, ROMELL BROOM, AND THE ARGUMENTS OF RESPECTIVE COUNSEL.

PROPOSED MITIGATING FACTORS:

THE DEFENDANT, THROUGH THE ARGUMENTS OF DEFENSE COUNSEL, ADVANCED THE FOLLOWING PROPOSITIONS AS BEING IN THE NATURE OF MITIGATING FACTORS:

1. THE NATURE AND CIRCUMSTANCES OF THE OFFENSE, THE HISTORY, CHARACTER AND BACKGROUND OF THE DEFENDANT, ROMELL BROOM;
2. THE DEFENDANT'S FAMILY UPBRINGING.

THE COURT EVALUATES THESE TWO PROPOSED MITIGATING FACTORS JOINTLY FOR THE REASON THAT THE DEFENDANT'S FAMILY UPBRINGING IS IN EFFECT PART AND PARCEL OF THE DEFENDANT'S HISTORY, CHARACTER AND BACKGROUND.

THE COURT FOUND THAT THE TESTIMONY OF THE DEFENDANT'S MOTHER, ELLA MAE BROOM, WAS NOT PARTICULARLY TRENCHANT ON THE ISSUE OF MITIGATION. IT MAY VERY WELL BE TRUE THAT THE DEFENDANT WAS RAISED IN A LESS THAN PERFECT FAMILY ENVIRONMENT. THE TESTIMONY REVEALED THAT ELLA MAE BROOM AND HER SPOUSE HAD DOMESTIC PROBLEMS DURING THE 1960'S; THAT SUCH PROBLEMS INVOLVED FIGHTS (INCLUDING PHYSICAL BEATINGS, AT LEAST THREE OF WHICH WERE WITNESSED BY THE CHILDREN); THAT THE DEFENDANT'S FATHER "RAN AROUND" A LOT (AND THE CHILDREN WERE AWARE OF IT); AND THAT THESE PROBLEMS CULMINATED IN SEPARATION WHEN THE DEFENDANT WAS 12 YEARS OLD. HOWEVER, HER TESTIMONY SHOWED THAT ROMELL BROOM AS A CHILD WAS PROVIDED WITH THE BASIC NECESSITIES OF LIFE SUCH AS FOOD, SHELTER, AND CLOTHING BY VIRTUE OF THE FACT THAT HIS FATHER WAS STEADILY EMPLOYED. ALTHOUGH THE FAMILY WENT ON WELFARE AFTER THE PARENTS' SEPARATION, THERE WAS NO TESTIMONY THAT ROMELL BROOM WAS DEPRIVED OF HIS EVERYDAY NEEDS. THE MOST THAT CAN BE SAID IS THAT IN HIS

TEEN YEARS, HE MAY HAVE SUFFERED FROM A LACK OF GUIDANCE AND SUPPORT DUE TO BOTH PARENTS' ABSENCE FROM THE HOME.

THERE WAS NO TESTIMONY ADDUCED DURING THESE PROCEEDINGS THAT THE CHILDHOOD EXPERIENCES OF THE DEFENDANT RESULTED IN ANY EMOTIONAL SCARRING OF THE DEFENDANT WHICH COULD MANIFEST ITSELF IN LATER LIFE AND POSSIBLY EXPLAIN HIS BEHAVIOR ON SEPTEMBER 21, 1984.

IT MUST BE NOTED THAT NO EVIDENCE WAS INTRODUCED CONCERNING ANY INTELLIGENCE DEFICIENCIES OF THE DEFENDANT; QUITE THE CONTRARY. DEFENDANT'S OWN EVIDENCE SHOWED THAT HE WAS A GOOD STUDENT AT AIRCO TECHNICAL INSTITUTE. THERE WAS NO EVIDENCE OF MENTAL, PSYCHIATRIC OR PSYCHOLOGICAL PROBLEMS. THERE WAS CERTAINLY NO EVIDENCE THAT THE VICTIM INDUCED OR FACILITATED THE CRIME, NOR WAS THERE ANY EVIDENCE THAT THE DEFENDANT WAS UNDER DURESS, COERCION, OR STRONG PROVOCATION. DEFENDANT'S AGE COULD NOT BE CONSIDERED A FACTOR, NOR COULD "LACK OF A SIGNIFICANT HISTORY OF PRIOR CRIMINAL CONVICTIONS."

IT IS THE CONCLUSION OF THIS COURT THAT THE PROPOSED MITIGATING FACTORS HAVE NO VALUE. THERE IS NOTHING ABOUT THE CHILDHOOD OF THE DEFENDANT THAT DIFFERS IN ANY RESPECT FROM THE CHILDHOOD OF MILLIONS OF OTHER PEOPLE WHO DO NOT COMMIT THE KINDS OF ACTS OF WHICH THE DEFENDANT HAS BEEN FOUND GUILTY.

THE DEFENDANT'S MOTHER ALSO TESTIFIED THAT DEFENDANT DROPPED OUT OF SCHOOL IN 1969 OR 1970, WHICH WOULD HAVE BEEN ABOUT THE TIME OF THE PARENTS' SEPARATION. THEREAFTER, THE DEFENDANT WAS THE "MAN OF THE HOUSE" AND WATCHED THE OTHER CHILDREN WHILE THEIR MOTHER WORKED. IF THIS TESTIMONY WAS INTENDED TO SHOW THAT THE DEFENDANT WAS OF LESS THAN NORMAL INTELLIGENCE OR WAS DEPRIVED OF NORMAL EDUCATIONAL OPPORTUNITIES -- AND NO SUCH SPECIFIC CLAIM WAS EVER ADVANCED -- IT WAS CONTROVERTED.

Vol. 650 pg 940

BY THE TESTIMONY OF THE DEFENDANT'S WITNESS, LESLIE LEWIS. MR. LEWIS, A COUNSELOR AT AIRCO TECHNICAL INSTITUTE, TESTIFIED THAT THE DEFENDANT HAD BEEN ENROLLED IN A WELDING COURSE PRIOR TO HIS ARREST AND THAT HIS AVERAGE GRADE DURING THE FIRST GRADING PERIOD WAS 91, AND DURING THE SECOND GRADING PERIOD, 94.

WILLIAM BROOM, THE FATHER OF THE DEFENDANT, ALSO TESTIFIED. FRANKLY, HIS TESTIMONY WAS LESS THAN CREDIBLE, AND AT ANY RATE OFFERED NO EVIDENCE OF MITIGATORY FACTORS WHATSOEVER.

THE DEFENDANT HIMSELF PRESENTED A STATEMENT WHICH COULD HARDLY BE DESCRIBED AS HELPFUL ON THE ISSUE OF MITIGATION. SUFFICE TO SAY THAT THE COURT FOUND NOTHING IN THE DEFENDANT'S STATEMENT TO SUGGEST THE PRESENCE OF ANY MITIGATORY FACTORS.

ONE MATTER NEEDS TO BE MENTIONED. THERE MAY HAVE BEEN AN IMPLICATION -- AGAIN, THE COURT IS UNSURE BECAUSE THE POINT WAS NOT SPECIFICALLY DEVELOPED -- THAT THE UNSOLVED MURDER OF THE DEFENDANT'S SISTER WAS SOMEHOW A FACTOR TO BE CONSIDERED. THE COURT HAS DULY CONSIDERED THIS POSSIBILITY AND HAS REJECTED IT AS A MITIGATORY FACTOR BECAUSE THERE WAS TESTIMONY DURING THE GUILT PHASE OF THE TRIAL THAT DEFENDANT HAD NOT BEEN PARTICULARLY CLOSE TO THIS SISTER, AND ALSO BECAUSE THERE WAS ABSOLUTELY NO PSYCHIATRIC OR OTHER EXPERT TESTIMONY SUPPORTING SUCH A CONCLUSION.

THE SPECIFICATIONS OF AGGRAVATING CIRCUMSTANCES:

THIS COURT ALSO CONSIDERED AND EVALUATED THE TWO AGGRAVATING CIRCUMSTANCES WHICH THE JURY FOUND THE DEFENDANT GUILTY OF COMMITTING. AS STATED EARLIER, THE ISSUE CONFRONTING THE COURT WAS

DID THE STATE OF OHIO PROVE BEYOND A REASONABLE DOUBT THAT THE AGGRAVATING CIRCUMSTANCES WHICH THE DEFENDANT, ROMELL BROOM, WAS FOUND GUILTY OF COMMITTING OUTWEIGH THE MITIGATING FACTORS?

Vol 650 p 941

BEING SIMILAR IN NATURE, BOTH SPECIFICATIONS WERE CONSIDERED TOGETHER BY THE COURT. THEY ARE:

1. THAT THE DEFENDANT, ROMELL BROOM, AS THE PRINCIPAL OFFENDER COMMITTED THE OFFENSE OF AGGRAVATED MURDER OF TRINA MIDDLETON WHILE THE DEFENDANT WAS COMMITTING OR ATTEMPTING TO COMMIT THE OFFENSE OF RAPE, OR WHILE FLEEING IMMEDIATELY THEREAFTER.
2. THAT THE DEFENDANT, ROMELL BROOM, AS THE PRINCIPAL OFFENDER COMMITTED THE OFFENSE OF AGGRAVATED MURDER OF TRINA MIDDLETON WHILE THE DEFENDANT WAS COMMITTING OR ATTEMPTING TO COMMIT THE OFFENSE OF KIDNAPPING, OR WHILE FLEEING IMMEDIATELY THEREAFTER.

THE GENERAL ASSEMBLY CONSIDERED THE CRIMES OF RAPE AND KIDNAPPING TO BE AMONG THE MOST SERIOUS WHEN THE GENERAL REVISION OF THE CRIMINAL CODE WAS MADE ON JANUARY 1, 1974. FOR SAKE OF PUNISHMENT, THESE CRIMES ARE SECOND IN SEVERITY ONLY TO MURDER. THESE CRIMES ARE FIRST DEGREE FELONIES. FURTHER, IN R.C. SECTION 2929.04, THE GENERAL ASSEMBLY MANDATED THE IMPOSITION OF THE DEATH PENALTY FOR AN AGGRAVATED MURDER DURING THE COMMISSION OF SUCH OFFENSES, THEREBY CLEARLY INDICATING ITS CONCERN FOR THE FATE OF VICTIMS OF RAPE AND KIDNAPPING.

A REVIEW OF THE EVIDENCE IN THIS CASE SHOWS THE CRIMES OF WHICH THE DEFENDANT WAS CONVICTED TO BE ESPECIALLY HEINOUS. A CARE-FREE TEENAGE GIRL, ON HER WAY HOME WITH TWO GIRLFRIENDS FROM A FOOTBALL GAME, IS SEIZED ON A QUIET RESIDENTIAL STREET, IS CARRIED AWAY, RAPED ANALLY AND VAGINALLY AND THEN IS BRUTALLY MURDERED BY NUMEROUS STAB WOUNDS. THE PHOTOGRAPHS ARE NOT PLEASANT. THE CORONER'S REPORT WAS UNCONTROVERTED. IN ADDITION, AN ATTEMPT WAS MADE TO SEIZE THE VICTIM'S TWO FRIENDS, BUT THEY WERE FORTUNATE ENOUGH TO ESCAPE.

IN DISCUSSING THE MITIGATING FACTORS EARLIER, THE COURT GAVE THE DEFENDANT THE BENEFIT OF ANY DOUBT AS TO WHETHER THE EVIDENCE INTRODUCED WAS IN FACT RELEVANT, MATERIAL AND PROBATIVE ON THE QUESTION OF MITIGATION.

EVEN SO, THE EVIDENCE OF MITIGATION WAS MINIMAL AND TOTALLY UNCONVINCING. WHEN IT IS WEIGHED AGAINST THE AGGRAVATING CIRCUMSTANCES THAT WERE PROVED IN THIS CASE, THE CONCLUSION IS INESCAPABLE THAT IT DOES NOT EVEN COME CLOSE TO BALANCING. INDEED, NO REASONABLE MIND COULD CONCLUDE OTHERWISE.

ACCORDINGLY, THE COURT FINDS BEYOND A REASONABLE DOUBT -- IN FACT, BEYOND ANY DOUBT -- THAT THE AGGRAVATING CIRCUMSTANCES OUTWEIGH THE MITIGATING FACTORS.

RESPECTFULLY SUBMITTED,

Paul R. Matia
Paul R. Matia, Judge

October 22, 1985.

Vol. 650 pg 943

STATE OF OHIO,
CUYAHOGA COUNTY

IN THE COURT OF COMMON PLEAS

September Term, 19 85

STATE OF OHIO

Plaintiff

To-wit: October 16, 19 85

No. CP 196645

ROMELL BROOM

Defendant

INDICTMENT Aggravated Murder w/specs

Rape w/specs, Kidnapping w/specs

Fel. Asslt. w/specs

RECEIVED FOR FILING

OCT 22 1985

JOURNAL ENTRY

ARLON E. SHERAT, CLERK
X H OEE

Defendant's Motion to stay Judgment on Jury's recommendation is denied.

The Court reconvened with defendant, his Defense Counsel, his Prosecuting Attorney in attendance for further proceedings in accordance with revised code 2929.03 (D) (3). Defendant on former day of Court was found guilty by Jury of Aggravated Murder with specification number 1 and 2 as to the first count of the indictment; guilty of Rape, as to the second count; guilty of Kidnapping as to third count, guilty of Attempted Kidnapping, a lesser and included offense of the indicted offense of Kidnapping as to the fourth and fifth counts. Further, the Defendant having been found Guilty by the Court of the specification of a prior conviction of the Crime of Rape with respect to all five counts. The Court accepts Jury's recommendation that the death sentence be imposed as to count one of the indictment.

The Court finds beyond a reasonable doubt as to Count one that the aggravating circumstances which the defendant was found guilty of committing are sufficient to outweigh any mitigating factors. The Court reads his opinion in open Court.

The Court informed the defendant of his rights to Appeal under Criminal Rule 32 (A) (2). The Court found the defendant indigent and appoints the Public Defender and Attorney Ployd Oliver to handle his appeal.

Thereupon, the Court inquired of the defendant if he had anything to say why judgment should not be pronounced against him but the defendant made no statement. Defendant's counsel made statements, but showing no good and sufficient cause why judgment should not be pronounced:

It is therefore ordered and adjudged by the Court that the defendant, Romell Broom be sentenced to the Chillicothe Correctional Institute, Chillicothe, Ohio, then thereafter be transferred to the Southern Ohio Correctional Facility, Lucasville, Ohio and the sentence of Death in the manner prescribed by Law be carried into effect on September 21, 1986 at 10:00 AM as to count one of the indictment. Further, as to count two, the Court orders that the defendant be sentenced to Chillicothe Correctional Institute, Chillicothe, Ohio for a term of fifteen (15) years to twenty-five (25) years (with fifteen (15) years actual incarceration). As to count three, the court orders that the defendant be sentenced to Chillicothe Correctional Institute, Chillicothe, Ohio for a term of twelve (12) years to fifteen (15) years (with twelve (12) years actual incarceration). As to count four, the court orders that the defendant be sentenced to Chillicothe Correctional Institute, Chillicothe, Ohio for a term of twelve (12) years to fifteen (15) years (with twelve (12) years actual incarceration). As to count five, the court orders that the defendant be sentenced to Chillicothe Correctional Institute, Chillicothe, Ohio for a term of twelve (12) years to fifteen (15) years (with twelve (12) years actual incarceration). All terms to run consecutively.

The defendant is to pay the costs of this prosecution for which execution is awarded.

Judge Paul R. Matia
ca/10-18-85
#10-18

EXHIBIT
2

Paul R. Matia
JUDGE

FILED
CRIMINAL DIVISION

R 2009 SEP 16 A 10:15

GERALD E. FUERST
CLERK OF COURTS
CUYAHOGA COUNTY



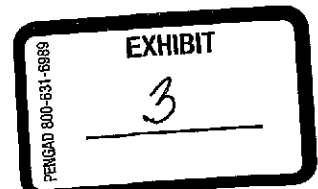
CR 196643

WARRANT OF REPRIEVE

1. Romell Broom is currently in the custody of the Ohio Department of Rehabilitation, has been sentenced to death, and the Ohio Supreme Court scheduled his execution for September 15, 2009.
2. Difficulties in administering the execution protocol necessitate a temporary reprieve to allow the Department to recommend appropriate next steps to me.
3. Ohio Revised Code Section 2967.08 provides that the Governor may grant a reprieve for a definite time to a person under sentence of death, with or without notices or application.
4. Accordingly, I direct that the sentence of death for Romell Broom be reprieved until September 22, 2009.
5. Mr. Broom should remain incarcerated in the custody of the Ohio Department of Rehabilitation and Correction. The Department should carry out Mr. Broom's sentence on that day unless further reprieve or clemency is granted.
6. I signed this Warrant of Reprieve on September 15, 2009, in Columbus, Ohio


Ted Strickland, Governor

Filed on the 16th day of September 2009 with the Cuyahoga County
Common Pleas Clerk of Court by Jose A. Torres.





TED STRICKLAND
GOVERNOR
STATE OF OHIO

September 15, 2009

Gerald E. Fuerst
Clerk of Courts
Court of Common Pleas
1200 Ontario Street
Cleveland, Ohio 44113-1678

VIA UPS DELIVERY

Dear Mr. Fuerst:

**RE: CUYAHOGA COUNTY COURT OF COMMON PLEAS
CASE NO. CR 85196643**

Would you please file the attached Warrant of Reprieve for Inmate Romell Broom in Cuyahoga County Court of Common Pleas, Case No. CR 85196643. Please return two file-stamped copies to me in the enclosed self-addressed envelope.

Thank you.

Very truly yours,

Jose Torres
Deputy Legal Counsel

Attachment

THE STATE OF OHIO Cuyahoga County	I, GERALD E. FUERST, CLERK OF SS. THE COURT OF COMMON PLEAS WITHIN AND FOR SAID COUNTY.
HEREBY CERTIFY THAT THE ABOVE AND FOREGOING IS TRULY TAKEN AND COPIED FROM THE ORIGINAL <u>Criminal</u> <u>Warrant CR 196643</u>	
NOW ON FILE IN MY OFFICE.	
WITNESS MY HAND AND SEAL OF SAID COURT THIS <u>17</u> DAY OF <u>Sept.</u> A.D. 20 <u>09</u>	
GERALD E. FUERST, Clerk	
By <u>Jeanette Noel</u>	, Deputy