

**IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF OHIO**

KEVIN KEITH,

Petitioner,

v.

LYLEAL WAINWRIGHT, WARDEN,

Respondent.

Case No. 1:18-cv-00634

Judge Solomon Oliver, Jr.

Magistrate Judge James R. Knepp, II

AFFIDAVIT OF TED STRICKLAND

I, Ted Strickland, being duly sworn, states as follows:

1. I was the 68th Governor of Ohio, serving from 2007 to 2011.
2. On September 2, 2010, I commuted Kevin Keith's death sentence to life without parole.
3. I submit this Affidavit in support of Kevin Keith's Traverse.
4. I am competent to give the testimony contained in this Affidavit. The facts set forth herein are based upon my personal knowledge and information available to me. If I were called upon to testify to them, I could and would competently do so.
5. I would not have commuted Kevin Keith's sentence if I did not have severe doubts about his guilt.
6. I had serious concerns about the investigation, a fact I made very clear with my concurrent statement to the commutation. In that statement, I expressed how I found "the absence of a full investigation of other credible suspects troubling." Attached hereto as Exhibit A.

7. I believed Kevin Keith's case warranted further investigation, and it was my plan to put resources towards a reinvestigation following reelection. Unfortunately, I lost the election and was prevented from bringing that plan to fruition.

8. As time has passed and I have viewed more information, such as the information before this Court, I have become convinced that Kevin Keith is very likely an innocent man.

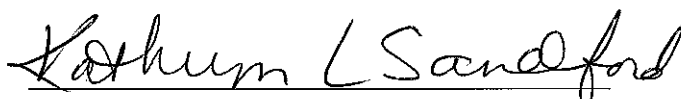
9. I think about how close the State of Ohio came to taking the life of Kevin Keith, and I am grateful that I got the opportunity to spare his life. I do, however, wish that I would have had the opportunity to do more than just commute his sentence to life without parole.

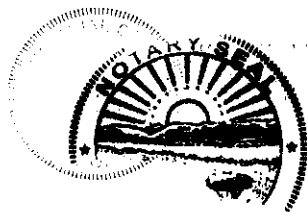
10. I believe that Kevin Keith deserves a new trial. His conviction should not stand.

Further, affiant sayeth not, this 6 day of May, 2019.


Ted Strickland

Subscribed and sworn to before me
this 6th day of May, 2019.


Notary Public



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



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CLEMENCY: Gov. Strickland Commutes Kevin Keith's Sentence to Life Without Parole



On September 2, Ohio Governor Ted Strickland (pictured) granted clemency to Kevin Keith, commuting his death sentence to life without parole. Keith, who was convicted of killing three people, has always maintained his innocence, and some evidence pointed to another suspect. Gov. Strickland's commutation statement addressed his concerns regarding Keith's case: "Mr. Keith's conviction relied upon the linking of certain eyewitness testimony with certain forensic evidence about which important questions have been raised. I also find the absence of a full investigation of other credible suspects troubling." The governor acknowledged that Keith might well be guilty and that the Ohio Parole Board had recommended against clemency, but he could not allow an execution with the doubts that persisted. The governor left open the possibility that future developments might require additional relief for Mr. Keith. Attorneys for Keith applauded Gov. Strickland's actions, but said they will continue to petition for a new trial to address newly discovered evidence, evidence withheld by the State, and new science behind eyewitness identification, all of which, they claim, point to Mr. Keith's innocence.

(A. Johnson, "[Strickland commutes death row inmate's sentence to life without parole](#)," Columbus Dispatch, September 2, 2010; "[Governor's Statement Regarding Clemency Application of Kevin Keith](#)," September 2, 2010; and "Statement from Attorneys for Kevin Keith in Response to Governor Strickland's Commutation to Life Without Parole," September 2, 2010). See [Clemency](#), [Innocence](#) and [Life Without Parole](#).

<http://governor.ohio.gov/Default.aspx?tabid=1778>

Governor's Statement Regarding Clemency Application of Kevin Keith - Sept. 2, 2010

Columbus, OH – Governor Ted Strickland today issued the following statement regarding the pending clemency application of Kevin Keith:

"Kevin Keith was convicted, by a jury, of callously murdering three people - including a four-year old child - and shooting three others, including two young children. Since the time of his arrest more than 16 years ago, Mr. Keith has maintained his innocence, insisting that someone else committed the murders.

"Mr. Keith's conviction has been repeatedly reviewed and upheld by Ohio and federal courts at the trial and appellate level. The Ohio Parole Board recommended against clemency in this case. There is evidence which links him to the crimes that, while circumstantial, is not otherwise well explained. It is my view, after a thorough review of the information and evidence available to me at this time, that it is far more likely that Mr. Keith committed these murders than it is likely that he did not.

"Yet, despite the evidence supporting his guilt and the substantial legal review of Mr. Keith's conviction, many legitimate questions have been raised regarding the evidence in support of the conviction and the investigation which led to it. In particular, Mr. Keith's conviction relied upon the linking of certain eyewitness testimony with certain forensic evidence about which important questions have been raised. I also find the absence of a full investigation of other credible suspects troubling.

"Clearly, the careful exercise of a governor's executive clemency authority is appropriate in a case like this one, given the real and unanswered questions surrounding the murders for which Mr. Keith was convicted. Mr. Keith still has appellate legal proceedings pending which, in theory, could ultimately result in his conviction being overturned altogether. But the pending legal proceedings may never result in a full reexamination of his case, including an investigation of alternate suspects, by law enforcement authorities and/or the courts. That would be unfortunate – this case is clearly one in which a full, fair analysis of all of the unanswered questions should be considered by a court. Under these circumstances, I cannot allow Mr. Keith to be executed. I have decided, at this time, to commute Mr. Keith's sentence to life in prison without the possibility of parole. Should further evidence justify my doing so, I am prepared to review this matter again for possible further action."