

# The Supreme Court of Ohio

65 SOUTH FRONT STREET, COLUMBUS, OH 43215-3431

ORIGINAL

CHIEF JUSTICE  
MAUREEN O'CONNOR

JUSTICE  
WILLIAM M. O'NEILL

JUSTICES  
PAUL E. PFEIFER  
TERRENCE O'DONNELL  
JUDITH ANN LANZINGER  
SHARON L. KENNEDY  
JUDITH L. FRENCH  
WILLIAM M. O'NEILL

TELEPHONE 614.387.9040  
FACSIMILE 614.387.9049  
[www.supremecourt.ohio.gov](http://www.supremecourt.ohio.gov)

May 19, 2016

Sandra Grosko  
Clerk of the Court  
Supreme Court of Ohio  
65 S. Front Street  
Columbus, Ohio 43215

Dear Sandra:

The Hamilton County Prosecuting Attorney has asked that I recuse myself from sitting on *State v. Wogenstahl*, case no. 1995-0042. On March 6, 1996, a unanimous Ohio Supreme Court ordered the execution of this citizen. There were no dissents. On May 4, 2016, some twenty years later, a divided Supreme Court granted a stay of appellant's execution pending resolution of a motion for reopening his appeal. I express no opinion on that issue at this time. However, it would be a violation of my oath of office to ignore my obligation to be part of the panel to decide this case. This is a death penalty case and both the Defendant and the citizens of Ohio deserve a review by the whole Court. Motion to recuse denied.

Justice William M. O'Neill

