

The System_107

VO 00:00

The System contains adult content and may not be suitable for all audiences. Listener discretion is advised.

Kim Kardashian 00:10

Last episode we talked about the Pharmacy Burglary Ring, the informants involved with that investigation, including Rudell Chatman, and the threat that was recorded in the Pharmacy Burglary Report, the one from Rodney Melton where he reportedly told an informant he was paid \$15,000 to cripple the man responsible for the drug raids. As we talked about last week, none of this information was presented to the defense before Kevin's trial, it could have been related. The pharmacy case involved many of the same players, and yet it wasn't turned over. And that's a potential Brady violation. The state failed to provide evidence that may have been favorable or helpful to Kevin's case.

Rachel Troutman 00:53

The information found in the pharmacy board reports about Rodney Melton being paid \$15,000. That was a Brady violation. The fact that there was evidence demonstrating that somebody else said they committed these crimes. That is exculpatory, to Kevin, when you find a Brady violation, especially one as significant as this, much less all of them together, it requires a new trial.

Kim Kardashian 01:19

But despite this argument from his legal team, courts have denied Kevin's motions for a new trial. We've also discussed some questionable investigative work, especially involving the pharmacy burglary ring case and its overlap with the murders in Bucyrus. An alleged threat from Rodney Melton was recorded in the Pharmacy Burglary Ring Report, but this reported threat never seemed to make it into the police files for the Bucyrus murders case. On top of that, lieutenants Hickman and Dayne who were working on the Pharmacy Burglary Ring case mentioned Kevin's name at the scene of the crime as a potential connection to the murders. This was the first mention of Kevin's name and connection to this case.

VO 02:02

Lieutenants Dayne and Hickman returned to the scene. They advised that they had went to the hospital and spoken to Rudel who was still there, ready to leave and go into hiding. Rudel told them that Rodney Melton had come to the hospital and told Rudel in front of other family members that this happened because Rudel was narding on the people in Crestline. The officers advise the case involving Rudel involved Gene Keith Senior, Gene Keith, Kevin Keith, Demetrius Reeves and Roy Price. They advise that Gene Keith Senior had told someone that they were going to whack families in retribution for their arrests.

Kim Kardashian 02:45

The officers reported Kevin's name at the crime scene because they thought his family might have had a vendetta against their informant, but they never brought up the possibility of Rodney's reported threat from two weeks earlier as being potentially linked to this case. No one from law enforcement or the prosecution disclosed this information. And these transgressions weren't the only instances of questionable investigative work happening at the time. I'm Kim Kardashian and this is The System. Last episode we talked about the letter that was sent to Detective Corwin from Rodney Melton during the trial. To be clear, this is not something that's prohibited. It's just strange. Three months after the murders, Rodney wrote this letter with his thoughts and theories on the case, all pointing to Kevin, and reiterated his intention to be helpful. But the trial was already underway and Kevin had already been arrested several months ago. I mean, it could be nothing but a desire to be helpful. But to me, it does seem that Rodney was just attempting to clear his name of suspicion. Perhaps because he knew his name was in the police reports about the Bucyrus murders. Or maybe he thought being helpful on this case would help his chances in the upcoming Pharmacy Burglary Ring trial. That's certainly a possibility. But the timing of this letter well after Kevin has been arrested is interesting. Why did Rodney feel the need to send this? Charles found another letter dated June 5, 1996. This letter was from Corwin to Rodney. It seems to be in response to yet another letter from Rodney. Here's what Corwin said.

VO 05:04

Dear Rodney, Was glad to get your letter and hear you got through your time in Ohio. I wish you luck and getting matters in Georgia taken care. I hope that what you were telling me last time about learning your lesson and getting your life straightened out was true. And I would help you in doing this if possible. When you get out, stop by the station and see me. Let me know what things are going.

Kim Kardashian 05:25

This next part is the part that stands out to me.

VO 05:29

I will talk to you about the other matter you talked about in our letter. I would be willing to have your help and catching the other person. Good luck. Mike Corwin.

Kim Kardashian 05:42

Another person, are they talking about Kevin's case? Did the police have reason to believe that there was more than one person involved? In fact, there is this moment from an earlier press conference right after Kevin was arrested. Chief Joe Barron addressed the murders. This is what he said.

Police Chief Joe Baron 06:01

Well, I didn't go to bed last night worried that we had the wrong man? Not at all. Not at all. I don't know that we've got the only man involved but I very confident that we've made a good arrest here.

Kim Kardashian 06:12

But to our knowledge, the state never pursued prosecuting another person. Did they clear that theory? Or was that another thread left dangling? Corwin declined to speak to us on record, and he's no longer in law enforcement. After the Bucyrus murders case, he became chief for a while and then eventually

left his line of work entirely to pursue being a pastor. So, Rodney said his car was in the shop that night out of commission. And coincidentally, Rodney Melton was the first name the police linked to the print in the snow once they ran the partial plate numbers. But did the police ever really investigate Rodney's car? That's unclear. Kevin was arrested two days after the murders before police even linked him to a car that could have had those numbers as well. Kevin was arrested before police even set eyes on Melanie's grandfather's car. So how was this the thing that did Kevin in when he was arrested weeks before police even compiled that theory.

News Clip 07:21

Police were led to him by the partial imprint of a license plate number left in a snowbank after the getaway car ran into it as it left the scene of the crime.

Tonya Strong 07:30

How do you explain the license plate imprint in the snow that detective say perhaps played a role in them fingering you for this as a suspect?

Kevin Keith 07:40

I don't even have license plates on the car.

Attorney James Banks 07:43

He has a 30 day tag on his car.

Tonya Strong 07:45

You have a 30 day tag on your car.

Kevin Keith 07:46

yannonYes.

Tonya Strong 07:47

And you don't drive any other car.

Kevin Keith 07:49

No.

Tonya Strong 07:49

With your license plate on it?

Kevin Keith 07:51

No.

Tonya Strong 07:51

What kind of car did you drive?

Kevin Keith 07:53

A Dynasty, Chrysler light blue.

Tonya Strong 07:55

What year?

Kevin Keith 07:58

80...88.

News Reporter 07:59

Wiseman also noted the testimony of a neighbor who saw the getaway car get stuck in a snowdrift and he pointed to other evidence in the case.

Kim Kardashian 08:09

So this is the smoking gun. In this case, the getaway car and the license plate print they could have matched another vehicle. There was also never any physical evidence linking Kevin to Melanie's grandfather's car. The car was examined for blood, hair, fibers, gunshot residue, glass, but there was no physical evidence found inside the car that linked it to the crime or to Kevin. But even that aside, there's a lot that's questionable about this as the smoking gun. Firstly, when the police ran the license plate and description of the car in question, they came up with Rodney Melton's name.

VO 08:48

Case number 9400315 suspect vehicle registration. Received a call from Galion police department that a good match for the 043 numbers found in the snow is L I J 043. Rodney Melton, '79 Chevrolet four door, light colored. Galion advised that our suspects would have access to this vehicle.

Kim Kardashian 09:18

During Kevin's trial, however, Rodney testified that he'd sold the car with the 043 license plate back in 1990. A few years before these murders occurred. Also Nancy Smathers a neighbor that made the eyewitness identification of the car changed her story on what color the car was in subsequent reports. In episode three we covered the fallibility of memory. This is another clear example.

Charles Keith 09:47

She described a yellowish whitish color car, four door.

Kim Kardashian 09:54

But that story changed several times and the range of colors she reported broadened. Here's Kevin talking to the media in 1994.

Kevin Keith 10:05

A friend of mine, their tires were changed. That don't mean I changed them.

News Reporter 10:09

Any evidence?

Kevin Keith 10:11

The said it was a cream color car. The car they confiscated from her is green.

Kim Kardashian 10:17

The pictures of the car were shown during trial. However, the problem is Nancy Smathers, the neighbor and witness to the getaway car, never actually identified the Davison's car as the one that she saw that night, before trial during trial or after trial. The official trial transcript shows that they never showed the getaway car eyewitness a picture of the alleged getaway car to check if it was indeed the one that she saw. And thus Smathers never said under any oath that this was the car that she saw speed away from the Bucyrus Estates complex on February 13. This is mind boggling to me. The only person who saw the getaway car never actually identified the Davison's car as the car she saw that night? If this is supposed to be the evidence that did Kevin, you think they'd make sure this part of the case was airtight. So there is a shaky foundation here for this theory about the getaway car being linked to Kevin and this shakiness continues throughout the investigation. In 1994, there was an agent from the BCI or the Bureau of Criminal Investigation who made a report about the getaway car, that really solidified law enforcement's case against Kevin. The agent's name was Michelle Yezzo. It was only later that some questionable reports about Agent Yezzo surfaced and her integrity in this case was called into question. Here's Rachel Troutman. Kevin's current lawyer.

Rachel Troutman 11:52

Michelle Yezzo was a forensic analyst and she worked with the Ohio Bureau of Criminal Investigations. It's a subgroup of the Ohio Attorney General's Office. And essentially they're supposed to be independent. They're supposed to be this this body for the state of Ohio that examines evidence and comes up with a conclusion only off of the evidence they're not supposed to be in theory linked to one side or the other. BCI does forensic analysis and they do all sorts of different types, whether it be fingerprints or DNA or fiber analysis or ballistics. I believe every state has something like this. There are independent organizations as well that aren't linked to the state government. But in Ohio, BCI is linked to the state government and it's always the state that's going to go to BCI to get evidence tested. I don't believe that a defense attorney could even go to BCI and have them test evidence. Michelle Yezzo's job in this case was to examine the car that was brought in it was a Melanie Davison's grandfather's car, and she was supposed to determine whether that car was linked to the scene whether it matched the tires and whether the imprint in the snow from the license plate, whether that could have come from this car. Michelle Yezzo's report concluded that the tire tracks in the snow did not match the tires that were on the car. However, she then received a brochure, a picture of a set of tires that had previously been on the car. This brochure had been faxed to her by Detective Corwin, with a note on it that says "hope this does the trick for us."

VO 13:45

Hope this does the trick for us.

Rachel Troutman 13:47

Michelle looked at the brochure picture and looked at the tracks the pictures of the tracks in the snow and decided that that was enough evidence to match the tires to the imprints in the snow. She never actually examined the tire itself. Yezzo used a faxed picture of tires that were no longer on the car to

determine that those tires made the tracks in the snow at the scene. The second part of her analysis was the license plate and whether it could have made the imprint in the snow. And she looked at the pictures and I assume she looked at the car itself and decided that the imprint in the snow would have fit that car and her testimony and her conclusions included the fact that the orientation of where the license plate was sort of off to one side was significant in how she linked it to that imprint in the snow. Alton Davidson's car had a license plate that was off to one side of the car slightly and her linking the imprint this way, also in essence excluded Rodney Melton's car because Rodney's license plate was in the center of his car. And it wasn't until years later, when we had an independent expert review all of that with the negatives, who determined Alton Davison's car could not have left that imprint in the snow. Not without making a further indent in the snow from the shape of the bumper. This was the smoking gun from the prosecution side. They had an eyewitness who said it was her daddy's friend, Bruce, they had no physical evidence that actually linked Kevin to the crime. So to have a forensic scientist, a forensic analyst sit there and say from her purportedly independent perspective, that the evidence is pointing towards Kevin Keith. I mean, that was that was huge. That's that's the clincher, even when the evidence is tires that she never actually even viewed and matched to the scene and the half of a license plate print. Juries believe an expert when an expert says my expertise led me here.

Kim Kardashian 16:04

So what should have been done in the case as far as forensic science goes? We talked to Cornell professor Dr. Sunita Sah an expert on conflicts of interest and behavioral ethics, who has done extensive research on ethics in relation to forensic science.

Dr. Sunita Sah 16:20

This was a particular case that was very fascinating to me that I decided to delve into a little bit further.

Kim Kardashian 16:28

Dr. Sah wrote a report on Kevin's case in regards to Michelle Yezzo's involvement.

Dr. Sunita Sah 16:34

So law enforcement sent these items, the forensic evidence that they had to the lab, where Michelle Yezzo worked, and so she was looking at evidence, they asked her to look at this partial tire track impression. And so I believe it there was a plaster cast of the tire track, and then a brochure where there was photographs of the tires for the model of car, that is also very problematic that it was a photo and not the actual tire. This pattern recognition analysis has not been scientifically validated. There wasn't a note from law enforcement on the brochure of the tires that the analyst was matching. That said, I hope this will do the trick for us. And again, that degrades the independence of science. It shows that there's some type of collaboration between law enforcement and the forensic examiner. At the time that the forensic examination was done, the examiner was aware that law enforcement suspected that this person was guilty. And that was communicated. They also communicated other aspects about the demographics of the suspect. So that was well known to the examiner. So what we know is for best practice, those are relevant factors should not be there, because studies have shown that it sways people. So one of the concerns about having this type of relationship with law enforcement is that it can lead to confirmation bias. Confirmation bias is the tendency to test hypotheses by looking for confirming evidence rather than potentially conflicting evidence. Now, you can't comment on one particular case

and say they were definitely swayed by that. But what you can say is that there's a lot of studies that show irrelevant task information affects people's judgments, and it's not necessary for forensic examiners to do their job. So the conclusion here is that the risk of bias is really high. In Kevin Keith's case, this is a perfect storm of everything coming together. Right? First of all, it's a subjective opinion. Second of all, there's no peer review of the results. Third, the forensic science methods are not scientifically valid, nor do we know how reliable the analysis was. And then finally, there's these conflicts of interests that are there and lack of independence. So this leads to a perfect storm to really say there's a high risk of bias in this particular case. So it's important to emphasize the focus is not just on this one individual, this one forensic examiner. There's problems with the methods themselves, broader problems that are going on. It's just that in the Kevin Keith case, that was a perfect storm of everything coming together. But focusing on one forensic scientist is not going to alter the systemic problems in forensic science or the criminal justice system. We need to have an independent body really looking at how we can improve the reliability and validity of forensic science and coming up with clear guidelines we need to put actual science in Forensic Science, it needs to be scientific to administer justice, accurately and fairly.

Rachel Troutman 20:10

In 2016, I saw an article that was about Michelle Yezzo, and actually the Ohio Innocence Project had obtained her personnel file. And because I had a Google alert for Ms. Yezzo's name, I immediately saw this pop up. And of course, I immediately reached out to the attorneys from the Ohio Innocence Project to access that evidence. Once I started to look through those files, I was pretty, pretty taken aback. But there was a consensus. So basically, all of the other BCI agents, it was a consensus of opinion was the the language, the wording, they all thought that she would stretch the truth to satisfy police departments. This isn't one or two people, this was everybody. This was a consensus among other forensic analysts. And that wasn't the only thing. The files also showed the times that she would fly off the handle throwing a metal bar at her boss, I believe it was. The verbal abuse, her lack of being open to anybody reviewing her work, which in that type of field, like it is all about peer review, but she was strongly against it. And there the racial slurs, I mean, they documented times where she was using racial slurs in reference to her coworkers. And it was over decades till she finally retired. And the reasons cited for her retiring was that there was a potential miscarriage of justice if she continued on this job. Michelle Yezzo was personnel file strongly indicated a racial bias. And I don't just mean, indicate, I mean, she used the N word that was quoted in there. And if this was documented in the file, you wonder what else was said that wasn't documented? When we found this information, we immediately recognize that it affected that last piece of evidence, which was this purported license plate imprint in the snow and these tire tracks. So we went to the prosecutor and asked him to actually review this and recognize the significance it had on his own case, and he would not. So at that point, we filed a motion for new trial, based on the fact that this was another Brady violation. This was at the very least impeachment evidence, and it showed that this person who had provided this very damaging testimony against Kevin Keith had no credibility. These reports from her personnel file predated her testimony in Kevin's case, not only did they predate her testimony, but some of the the incidences were noted, just the prior year, just the year before she testified against Kevin. So on multiple levels, there were people who knew this information and we're still fine with her providing her expert opinion, to help get somebody sentenced to death. This type of evidence should have garnered a new trial.

Kim Kardashian 23:22

Kevin's legal team has argued that this is yet another Brady violation. However, this has not been ruled as such in court and Kevin has still not been given another hearing due to these findings.

Rachel Troutman 23:34

This was something that we filed a motion for new trial on and another defendant who was in a similar situation. He was awarded a new trial based on the fact that Michelle Yezzo had no credibility and the state should have turned this evidence over. But Kevin did not receive a new trial, obviously, and this is part of the evidence that we want the Governor to consider in at the very least commuting his sentence. 13 years after Mr. Keiith's trial, we discovered new evidence that demonstrates his innocence. The evidence that shows Mr. Keith's innocence has never been heard by a court and its entirety.

Kim Kardashian 24:34

While we're on the topic of evidence, you may have noticed that we've never talked about the murder weapon. The murder weapon has never been located. The closest thing was a bullet casing.

News Clip 24:47

Baron says police found about 20 shell casings at the scene both inside and outside the apartment there and praised the efforts of law enforcement officials and says he's optimistic the case will be solved. Also called to the stand was Tom Nicholson an examiner in the firearm section for BCI. Nicholson testified that all 24 shell casings were fired from the same gun, along with a spent shell found by a South Walnut Street woman.

Tom Nicholson 25:13

I did find that the cartridge cases specifically that the types of markings that were consistent with one type of gun.

News Reporter 25:20

But Defense Attorney James Banks said the state lacks evidence including the murder weapon.

Attorney James Banks 25:26

They searched the apartment where the crime was committed, and yet not one piece of evidence was retrieved. That would point to Kevin Keith.

Kim Kardashian 25:42

The day after the murders, a casing was found outside of a woman's house. Allegedly while putting out the trash. She found it enclosed in fast food wrappings. The woman called to report this and she actually ended up testifying to it on the stand.

News Reporter 25:57

Fernell Graham, who lives on South Walnut Street said she found the casing February 13. The night three members of a Bucyrus family were gunned down in their apartment

Fernell Graham 26:07

I had the trash all picked up and ready to walk back in the house. When I looked down, there was a bullet shell, spent shell to my left.

News Reporter 26:16

Graham who identified the casing in court said authorities were contacted the next day.

Fernell Graham 26:22

My daughter called and she was telling me what happened. And this was all a surprise to me because I didn't know anything about it. What happened to you. And I said, That's strange, because I found a lot of trash out in front of my house last night. And I said as I started in to take it in the house, I looked down and there was a spent shell.

Kim Kardashian 26:45

Though this casing was forensically linked to the case, there was nothing that tied the bullet to anything in particular, including Kevin, the only thing was the proximity of the woman's house to the GE plant, the GE plant where Kevin picked up his girlfriend, Zina from work that night. This connection was made by the prosecution. But again, like many details on the case, is this really enough? Or is this merely circumstantial? Who else could have taken that route that night? We've talked so much about Kevin's alibi and what he was doing that night. But what about Rodney Melton's full alibi? He said he had to hitch a ride from Mansfield. We've seen this in the police reports. But a broken down car isn't the only potential alibi Rodney gave to the police.

Rachel Troutman 27:35

Rodney's first alibi he gave at the scene when he saw the sheriff, Sheriff Schober and he told him that he had gotten a ride from Mansfield to the scene. Rodney had made a point to tell the police officers that his car wasn't working. But then later on weeks later, he changed that or elaborated on it if you will, when he spoke to Captain Corwin. And that's when he told Detective Corwin that he had been sleeping at home and Crestline and he had gotten arrived to the scene. He changed his location, he gave two separate places that he had started from, and for some reason, the police didn't seem to check those against each other. The only part that appears to have stayed consistent with his two alibis was that he didn't drive that he had gotten a ride from somebody else to the scene.

Kim Kardashian 28:25

Later, he added more to this alibi, saying he was with his nephew that night.

Charles Keith 28:30

Rodney says that he was with Michael Cochran that night of the murder. Right? He says I was with Michael that night. He says who's Michael? That's my nephew. He was 14 at the time.

Kim Kardashian 28:42

I asked Charles where I could verify this part of Rodney's alleged alibi. When did Rodney say this?

Charles Keith 28:49

At the trial. You can see the documents you can see everything when he said that I've got it all highlighted.

Kim Kardashian 28:56

The following reading is taken directly from the 1994 trial transcript. This cross examination is between prosecutor Russell Wiseman and Rodney Melton.

vo 29:07

Now, you talked to Captain Corwin a number of times after the murders. You called Captain Corwin and quite a few times after the murders, didn't you? Twice. And he asked you various questions about your whereabouts and the investigation and all that stuff. Yes, sir. You were at home at your mother's Katie Milton's house? Me and my nephew was. Who is your nephew? Michael.

Kim Kardashian 29:33

According to Charles the story doesn't stop there. After Kevin's 1994 trial, Rodney was tried for the pharmacy burglaries. And he went to prison for a few years for those crimes.

Charles Keith 29:46

Now, when he gets out of prison Three years later, three and a half years later, Michael Cochrane is dead. In fact, they found him into the Melton home hung by the neck. And that's why nobody got a chance to ask Michael Cochrane anything

Kim Kardashian 30:00

I almost couldn't believe this. When taking a retrospective look at criminal cases, it's always harder when you're dealing with a significant lapse of time like this. It's hard to know what to believe when you can't go back and question people. But this is yet another bizarre and tragic circumstance that muddies this case today.

Charles Keith 30:21

That's where he committed suicide in the Melton home. When he committed suicide it was he was 18.

Kim Kardashian 30:27

We've begged the question. Are there other people besides Kevin, that have similar motives, and the Meltons are on this list. But at this point, we'll never be able to vet Rodney's alibi.

Charles Keith 30:41

Nobody's ever done any any of this. Nobody's talking to anybody. I could not go back down here and talk to anybody because of fear of my life. And I wasn't just afraid of Rodney, I was afraid of the police so that they'll never hear me again. So I had a lot of help coming from the community down there.

Kim Kardashian 30:58

Charles was disappointed in how his brother's case was handled. And he feels that not every lead was followed and not every question was answered. After this case, Charles and his family's lives changed forever.

Charles Keith 31:15

Every time we saw one another the chat was the key is there anybody down it was hugs it was parties. It was you could go to anybody's house and just show up for dinner, not be invited show up! You know, and that's how it was. It's not that way anymore.

Kim Kardashian 31:30

I asked Charles about Kevin's trial back in 1994. And what he remembers the most.

Charles Keith 31:37

It was the building the building, the building was so cold. I feel like our family should not be here. We were the only black family in there besides the Chatman family. There was maybe a couple of spectators, but it was like the Hatfields and the McCoys. And they were putting us against each other with their lies. And then they would try to separate us and then they would tell the media that somebody had called into the prisons and was threatening people and you know, all kinds of stuff.

Judge 32:02

I just want everybody to know that if this happens, you will not only be banned from the courtroom, you will be banned from any county property surrounding the courtroom. I want to get this straight. This is a very important matter. And we're not going to let any of these petty arguments or anything like that interfere with this trial.

Kim Kardashian 32:26

Charles had a lot of unpleasant memories from Kevin's 1994 trial. He also recalls that during the trial, something very strange happened. A break was called due to some incriminating information being called in.

Rachel Troutman 32:41

In the middle of Kevin's capital trial, his defense attorney said Rodney Melton's family just called me they think he is the person who committed these crimes. They also think that he committed these other crimes. And they have a full conversation him and the prosecutor and the bailiff and the judge. And the prosecutor, Kevin's prosecutor says I don't want to go forward right now. And then they continue to talk and he says I want to send the jury home for tonight. But then they take a break and they go off the record. And the next thing you can see is they just continue on with the trial. So whatever happened in that break when they all went off the record. I guess they decided just continue.

Kim Kardashian 33:23

According to trial transcripts, someone from Rodney Melton's family called to suggest that Rodney was actually the shooter that night. Initially, the prosecutor wanted to look into it. And he suggested sending the jury home. But this didn't happen. Instead, there was a brief break, and then the trial proceeded as scheduled.

Charles Keith 33:45

So if you guys have picked up Kevin Keith, you gotta have some definitive evidence. So I'm waiting. I'm waiting for something definitive. And it never happened. Now he's convicted. And I'm like, Oh, my God, what do I do now they still convicted him. And if you look at Kevin's statement, he says I'm shocked. They convicted a man with no evidence. So it didn't matter. They were going to convict him anyway, you look at it. Some of the people that I knew that doubted me for so long. Once they saw I got progress, I said, Well, you must have something here. The hardest people to convince is your ignorant public. They are not aware of all these things that happen. The public usually trust their government, they trust their judges, and they trust their police. So they're ignorant to a lot of things. And that's why we have the word corruption. That's a that's a bad word. Nobody wants you to use that word, but it's the truth, or we wouldn't be sitting here. So even when the lawyers told me, you know, you might not want to do that. I'm not a lawyer. You might not want to say it. I'm a victim. I'm his brother. And that's exactly what I saw. I didn't go to law school. I don't know all the rules and regulations or whatever it is that you guys have to do. But all I can do is tell you what I know. And I did that.

Kim Kardashian 34:58

In this case, I think at all comes down to a discussion of due process was Kevin Keith given a fair trial? Were all persons of interest cleared? Was a thorough investigation completed? And if not, are there enough holes here to at least warrant another trial? Especially considering how quickly Kevin Keith was arrested and how unprecedented it is for a capital murder trial to commence in just three months? We've heard a range of things that look both good and bad for Kevin. We've heard Richard Warren say in a post surgery police interview that the shooter was someone named Kevin, but he couldn't remember his last name or be 100% sure about his identification using the lineup.

Attorney James Banks 35:44

Your exact words were what is that guy's name? I picked out. So you really weren't sure who that person was that night? Based on the picture, the prior telephone conversations about names. You really didn't know, didn't you this morning?

Richard Warren 36:08

I wasn't sure of the picture.

Kim Kardashian 36:11

We've heard the confusion about a nurse calling in to report Kevin's name as well.

News Reporter 36:16

James Banks question Bucyrus Police Captain John Stanley, who interviewed Warren from his hospital bed about the phone calls.

Attorney James Banks 36:23

And nowhere in there. Richard Warren mentioned that Kevin is the shooter. It's you that mentioned it to him. Isn't that a fact?

Police Captain John Stanley 36:31

After I've been told that by the nurse.

Attorney James Banks 36:33

Well, I'm not talking about what you were told by the nurse. I'm talking about Richard Warren. What you were told by him?

Police Captain John Stanley 36:40

That is correct.

Attorney James Banks 36:41

So two of the people that you knew from Crestline that fit the description. You only focused on one in the lineup.

Police Captain John Stanley 36:47

That is correct.

Attorney James Banks 36:49

Nothing further.

Kim Kardashian 36:51

We've heard seven year old Quanita Reeves say that the gunman was her daddy's friend Bruce, and her interview wasn't conducted until several days after Kevin was already arrested.

Attorney James Banks 37:02

She knew and she knows and you listen to the tape, and then you decide what the truth is.

Kim Kardashian 37:15

We've heard expert opinions suggest that the lineup was heavily biased towards choosing Kevin's picture. We've heard that the gunman had a partially concealed face, supposedly like a turtleneck pulled up to their nose. We've learned that it's hard to pin down the first mention of Kevin's name, but that it seemed to have come from two officers working on the pharmacy burglary ring case and Galion. We've heard about the reported threat from Rodney Melton that was recorded in the pharmacy burglary ring report, but never entered into evidence for Kevin's trial. We've learned that Alton Davidson's car was the smoking gun. But that car wasn't even in the equation until weeks after Kevin's arrest. It wasn't linked to Kevin by any sort of physical evidence and the BCI agent who gave the deposition for Kevin's trial had a track record of questionable ethics. And now we've learned that there was a call mid-trial from some of Rodney's family members claiming he was involved in the Bucyrus Estates murders. The prosecution suggested the trial not proceed that day, so an investigation into the claims could occur. However, after a private discussion between the defense attorney, the prosecutor and the judge, the trial proceeded as scheduled. My personal takeaway, this case is just much more complicated than the news clippings and the headlines suggest. But frankly, it doesn't matter what my opinion is on Kevin's guilt or innocence. What matters is that the evidence suggests there was doubt in Kevin's guilt, or at the very least and how the crime was investigated. Remember Kevin's sentence was originally death. And that was commuted in September of 2010, which means someone, namely former Governor Strickland, saw enough weakness in this case to override the jury's decision. It might be tempting to feel strongly

one way or another. But the truth is we can't go back to 1994. People have passed away, evidence has been stored improperly. We may never get the answers that we want. So I think the most important question to ask here is, is there a reasonable doubt? Because the way that our justice system should operate is innocent until proven guilty. Guilty beyond a reasonable doubt. So what do you think? Is the reasonable doubt in this case? Is our system working as it should? Or can we do better? Next episode is our last episode, we'll hear from a lot of new voices, people that can offer perspective on our justice system and Kevin's case, in particular, some that really have power within this system. We'll look to the future and ask what's next? Kevin's team has submitted an application for clemency. Is there hope for them? What difficulties does post conviction process have in store? And I'm going to call on several important people that I've been wanting to speak with, including a Supreme Court justice. And the person who is probably impacted the case the most.

Governor Ted Strickland 40:36

My name is Ted Strickland. I was governor for four years. People have asked me in the intervening years, why didn't you commute his sentence? Why didn't you set him free? At the time I committed him it was I think, 11 days before he was scheduled to be executed. I didn't have the information that I think I have now.

40:58

That's next time on The System.

Kim Kardashian 41:14

The System: The Case of Kevin Keith is a Spotify original series produced in partnership with Big City TV and Tenderfoot TV. I'm Kim Kardashian, your host and Executive Producer. From Big City TV, Executive Producer is Lori Rothschild Ansal di. From Tenderfoot TV, Executive Producers are Donald Albright and Payne Lindsey. Lead Creative Producer is Meredith Stedman. Production, editing, and sound design by Tristen Bankston and Cameron Tagge. Production Manager is Tracy Kaplan. Music by Makeup and Vanity Set. Mixed and mastered by Cooper Skinner. With additional support by Devin Johnson. Additional sound design by Cooper Skinner. Associate Producer is Jaime Albright. Voice work by Miles Agee. From Spotify, Executive Producers are Julie McNamara and Liz Gateley with support from Podcast Executive Lila Benaissa. Senior Program Manager is Jessica Dao with support from Program Associate Matt Greene. Special thanks to Dawn Ostroff, Tracy Romulus, Christy Welder, Ollie Ayling, Travis White, and all the cross-functional teams at Spotify that helped bring this program to life.

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