

# The System\_108

## **Voice Over** 00:02

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

## **Kim Kardashian** 00:08

I was driving down the street and I was taking my kids to a drive thru Starbucks on Topanga. And at the gas station on the left, there was a man being arrested, handcuffed and like, thrown on the front of his car being handcuffed. My daughter said, oh, my gosh, look, you know, and my son, they were all looking out the window and they said, what did he do? Oh, my gosh, look at what that man just did. And I said, or he could have done nothing, and they have the wrong person. So we don't know what he did. We have to you know, it has to be proven. There are bad people out there, so we have to be careful. But their immediate response was, what did he do? And I said, well, what do the cops think he did versus what he did? Or two different stories. He could have just been in the wrong place at the wrong time. They could think he's someone else. No, I wasn't trying to like put, you know, all these pressures on them. But I wanted them to just think differently. They just kind of looked at me like okay, mom. But I like having these conversations with them. This gets to the root of why I wanted to do this podcast in the first place. Innocent until proven guilty. Our justice system is supposed to be here to protect everyone. And that includes those charged with crimes. And from everything I've learned about Kevin Keith's case, I have to say, I think there's reasonable doubt here. There's so many odd circumstances throughout this case. And the forensic science presented at Kevin's trial had questionable origins. Not to mention, Kevin was arrested, charged and sentenced to death in the span of about three months. As we've covered that's unbelievably quick for capital murder.

## **News Anchor** 02:04

Ketih is charged with three counts of aggravated murder, which carry death penalty specifications and three counts of attempted murder. He said from the beginning, he's innocent.

## **Kim Kardashian** 02:16

So what is at stake right now for Kevin? In 2010, his sentence was commuted from the death sentence to life in prison without parole, thankfully saving Kevin's life. But that is not the commuting sentence Rachel had hoped for. For the past 13 years Kevin's legal team has worked tirelessly on this case, even collecting new evidence such as proof of Agent Yezzo's misconduct and racial bias. Now in 2022, just a month before this podcast launched, Rachel Troutman filed for executive clemency and is hoping to get Kevin released, or at least, life with parole. Kevin's case has gotten the attention of people like the Ohio Supreme Court Justice Mike Donnelly, who we interviewed for this podcast, and he says it better than I can.

## **Phone Voice** 03:06

Kevin Keith's case should concern anyone who was concerned about the integrity of the system, whether you're a prosecutor or a defense lawyer or a judge, because he has never been granted a hearing to demonstrate evidence has accumulated that completely undermines the theory of guilt that was used to convict him. The single worst injustice that can take place in our criminal justice system is having an innocent person convicted and stripped of what we value the most in our democracy. And that's our freedom. I can't think of anything worse. And in some states like the state of Ohio, not only can they still take away your freedom, they can take away your life.

**Kim Kardashian** 04:01

I'm Kim Kardashian, and this is The System.

**Phone Voice** 04:33

My name is Justice Mike Donnelly. Since 2019, I've served as an associate justice on the Ohio Supreme Court. When you have a system that is run by humans, it is very prone to be plagued by the same flaws that all humans share. And that can range from having tunnel vision, believing with absolute certainty that you've arrived at the correct decision. There is evidence of judges being overworked, falling into the trap of being neglectful of pending matters which results in systemic delay. Unfortunately, as any system run by humans, it can be affected by outright corruption.

**Kim Kardashian** 05:26

We just got the opportunity to speak with Justice Mike Donnelly in the last couple of months. And his stance on Kevin's case and post conviction reform in general is a powerful one.

**Phone Voice** 05:37

Post conviction litigation for people who claim that they are innocent is the single area of the criminal justice system in need of the most reform. The system seems to value finality over the truth. And I say that because I saw firsthand the hurdles that innocence advocates go through. And the back end of the system, the prosecutors become defense lawyers, they are trying to defend the integrity of their conviction and the finality of it. They come to believe that the jury got it right. And they see the innocence advocates as just defense lawyers looking for a second bite at the apple. That's a huge problem in our system. I began my legal career way back in 1992. After practicing a total of 12 years, I ran for a Common Pleas judge as a trial court judge. So I served there for 14 years, presiding over both a criminal and a civil docket.

**News Clip** 06:46

ACLU data shows one out of six people executed in Ohio had been innocent. The American Bar Association found our system so flawed, it recommended it'd be suspended for review in 2007.

**Phone Voice** 07:01

I was appointed to the Ohio Death Penalty Task Force and the charge was to examine how the Ohio death penalty operates right now, and if it's going to be kept, how do you make it the fairest process possible. I was invited to numerous speaking events in the state of Ohio to outline what those recommendations were. One of the speakers for the evening was Kevin Keith's brother Charles and he was talking about Kevin's case. I had no awareness of it. After listening to him, what struck me was I'm

not aware of anyone who has been granted some form of limited clemency by the governor, Governor Strickland, because of the belief that he may not be the right person, and had his sentence commuted from a death sentence to life without parole with a promise to at least revisit at some point in the future. But unfortunately, for Kevin, unfortunately for him, he has never had his case revisited in the sense that he hasn't been given an opportunity to have a hearing in open court and demonstrate what he claims he can demonstrate. Have a fair hearing where the prosecution is invited to be there as well, and to challenge whatever allegations they are making. If they so believe that the theory of guilt that was used to convict him remains intact, then so be it, but he's never had that opportunity. And so I contacted Kevin's attorney, Rachel Troutman, and I asked her if she would provide me with data on not only Kevin's case, but other cases where people were receiving what I think they're entitled to, and that is hearings. Kevin Keith came very close to having his life taken away from him. But for the Governor stepping in and commuting his sentence, he decided that there was too much doubt about the truthfulness or the integrity of that conviction that he decided to overrule a court order to carry out Kevin Keith's execution. If there's that much doubt about his guilt that we couldn't carry out the sentence that was recommended by the jury. Why be as a system satisfied with someone serving a life sentence without parole? If you have new evidence, or claim to have new evidence that would undermine the theory of guilt that was presented against you. Judges are not required to hold hearings to air that allegation out. They can make those decisions on just reviewing the written briefs alone.

**Kim Kardashian 09:56**

What Justice Mike Donnelly is saying is that judges are not required to hold hearings when new evidence is presented. This is a part of the struggle Kevin's legal team has been up against. After 28 years, Kevin has never had a hearing, even when his sentence was commuted that was entirely done by Governor Strickland alone. This means much of this information that you've heard during this podcast has never been presented like this to a court.

**Phone Voice 10:23**

Let's say the innocence advocate put forth a motion for a new trial. They believe that the evidence that was presented against the defendant couldn't pass scientific scrutiny. That allegation might be true, it might not be true. But the judge is not required to hold a hearing to air that out. We're trying to change that in the state of Ohio right now. One of the recommendations in the subcommittee that I worked on was about maintaining the most transparent record possible. When I became a neutral in the adversarial process, as a judge, I began to question why do we have these discussions back and chambers with the attorneys off record in resolving these cases, which often have profound effects on the defendant's life and if there's a victim in the case, they're not being made aware of what's taking place to resolve the dispute. So one day, early in my judicial career, I decided to do what no one else in the courthouse was doing and that was I decided not to have any more backroom discussions, and to have every discussion on the record with the court reporter. I can't describe how revelatory that experience was, I never looked back. And I'm convinced that every judge should do this and there's really no argument against it. No one, including the judge should ever say anything in the back room in chamber off the record that they wouldn't repeat verbatim out in open court. That's how I operated until I left the trial court for the Supreme Court in 2019.

**Kim Kardashian 12:12**

This is especially relevant given what we've learned from the last episode about how there was a break during Kevin's trial. Per trial records someone called during the trial to report they suspected Rodney was involved. This disrupted the trial, but it resulted in Judge Kimmerline, James Banks and the prosecutor Russell Wiseman going off the record for a while. After a small break, the trial proceeded as normal. And as far as we can tell from court documents and records, nothing was ever done about this phone call.

**Phone Voice 12:44**

Apparently, after the State had presented its case in chief, the defense counsel had a sidebar and with the prosecutor alerted him to the fact that he had received new information that a different suspect may have done it. And the prosecutor said, well, perhaps we should send the jury home or something to the effect of that and they took a break to verify that during the trial. I've never heard of something like that occurring.

**Kim Kardashian 13:14**

According to Justice Mike Donnelly, the post conviction process is an area of our legal system that is in dire need of reform. It's nearly impossible for convicted individuals to get a new hearing motions are denied repeatedly and if not denied, they often sit in limbo for years.

**Phone Voice 13:33**

Oftentimes, these motions for new trials, they can languish on trial court judges's dockets, sometimes for years without a ruling. The hearings would benefit prosecutors too. If a prosecutor has a good faith belief in the guilt of the defendant, they should be able to demonstrate that at a hearing. People value finality and a lot of times prosecutors and even the judge that try the case become firmly convinced in the truth of what the jury rendered. And they become closed minded to the possibility that the system got it wrong and the jury got it wrong.

**Kim Kardashian 14:18**

Charles Keith has been deeply frustrated by his brother's experience with the post conviction process. He also has a lot of thoughts on the people that were involved in his brother's conviction and how that experience skewed out of Kevin's favor.

**Charles Keith 14:32**

So you got to a jury that's a convicting jury because you can't sit on the jury unless you for the death penalty. So that was already a setup.

**Kim Kardashian 14:40**

Charles believes that essentially a death sentence was inevitable from the start. He is referring to the fact that the jury for Kevin's trial was a death qualified jury made up of people that were screened for the exact purposes of not being opposed to the death sentence.

**Charles Keith 14:55**

Then after the trial was over, then Wiseman, they give him prosecuting attorney of the year for this case. And then he later becomes a judge. Charles is speaking to the fact that court officials are

rewarded for their work on cases like Kevin's. James Banks, he was not certified to even handle a capital murder case.

**Kim Kardashian** 15:19

Before Kevin Keith, James Banks had never represented anyone in a capital murder case.

**Charles Keith** 15:25

We've even filled out an affidavit of indigency, letting them know that we could not afford this attorney, had they honored that Kevin would have been given two or three qualified attorneys. Why didn't you guys file an affidavit of indigency? We did. The judge didn't honor it and he allowed Banks to continue

**Lori Rothschild** 15:43

Not to say that you're not incredible you are, but it's not for you to investigate your brother's case. It's not for any of us to investigate your brother's case. And if Kevin was considered indigent and actually that that motion was allowed to go through, Kevin would have gotten two certified attorneys, which really could have helped his case.

**Kim Kardashian** 16:05

Kevin's advocates believe that there was too much value placed on finality. Kevin was arrested, tried, and then convicted very quickly considering the magnitude of this case. And Charles personally believes factors such as Kevin's indigency, or need for financial support weren't taken into account. The whole journey has been painful for Kevin and his family. But Kevin was open with me about his time on death row. And I wanted to ask him about his experience from the inside. What was death row like where you are at?

**Kevin Keith** 16:45

Well, when I first got to death row, I went to Lucasville, and Lucasville had just had a riot in '93, which is nationally known about. And so the atmosphere was kind, of goes first of all, was no contact at all. But the atmosphere was kind of harsh, because when I got to death row, I'm still in shock of trial and all that.

**Kim Kardashian** 17:07

And so it it happens so fast.

**Kevin Keith** 17:10

It's so quickly. So I'm like, you know, in a daze. I was there six months and when I first got there, the first day it was a CO, he took me down range.

**Kim Kardashian** 17:20

The range is the common area space that all individual cells open up into.

**Kevin Keith** 17:24

So when they walked me down the range, the first cell I went to the guy was talking to himself. The next range, that guy was talking to himself the next range, that guy was talking to himself and his tv was on

static. And so I was like, um okay, I was there six months and they transferred death row to Mansfield, Ohio, Mansfield Correctional Facility and once there, I got there, I fell into a state of depression. And when I fell into a state of depression, because the pill processing so hopeless, and the guys there seems like they were in a hopeless situation, I kinda start contemplating suicide. And so in prison, a guy tells you, if you cut across, you're just looking for attention. But if you cut up, then you trying to commit suicide, so in my mind, I'm planning on how to cut my wrist up. And I'm looking at my cell and you know, that's how I was for about a week. That's what was going through my mind.

**Kim Kardashian 18:23**

I've worked with death penalty cases before and with individuals on death row. But it never gets any easier to hear their stories.

**Kevin Keith 18:30**

I've been executed tens of times in my dreams, and this dream I'm having and they're taking me down to the execution chamber, and I'm just professing my innocence and professing my innocence. Nobody's there. My brother's not there. Rachel's not there. And I'm just waiting for one of them come around the corner because I noticed it's not about to take place. And nobody's there. I know people out there who don't believe in me, they say he should have been executed, they don't have to worry because I've been executed tens of times. So I remember when they brought me the papers to fill out you know your last meal. You bring me that scenario. They give you a piece of paper, what size shoes you wear pants, they want to dress you up to be executed, and then they bring your sheet fill out your last meal. Anything you want. And so when the guy bring it to me the case manager, I call him St. No Whack because he really had a heart for death row guys, he'd do anything for you, he'd bend over backwards for you. And so he brought the paperwork to me. He said Keith I need you to fill this out. I said I'm filling that out. You're a good guy and everything. He said, no, I need you to do this for me because they sent me up here to get you to fill this out. I said no. I still got I still got the blank papers. What I missed the most in, and I would want is my mom's fried chicken and her banana pudding. Okay, so that's what I missed the most, my mom because I really love my mom, and I spend my time with my mom. I got two daughters, seven grandchildren. And that's what I missed the most, I missed the most simple things, you know, simple things. That's what I missed the most.

**Kim Kardashian 20:17**

I have my own personal feelings about the death penalty and what I think is right. But I've learned a lot about death row over the last few years while doing this kind of work. And I want to hear from someone who's been studying the discourse on the death penalty for years.

**Ngozi Ndulue 20:31**

My name is Ngozi Ndulue and I'm the Deputy Director of the Death Penalty Information Center.

**Kim Kardashian 20:37**

Ngozi works at the Death Penalty Information Center, a hub dedicated to providing background context and analysis for media and the public on what's happening with the death penalty today.

**Ngozi Ndulue 20:49**

Our executive director often describes us as the press secretary for the truth about the death penalty. We don't have a moral position on the death penalty, but we're often critical of the way that has been applied. Race and the death penalty is one of the most studied aspects of our capital punishments system. And with these studies, it is really consistent that one of the biggest determining factors of whether somebody will be sentenced to death is the race of their victim. The studies of state capital punishment systems have found over and over again that if you kill a white victim, you are much more likely to be sentenced to death. Another common finding not in all studies, but in many is that if there's a black defendant and a white victim, that really increases the odds that you will be sentenced to death.

**Kim Kardashian** 22:00

It's interesting to think about this in connection with Kevin's case, where the key witness was victim Richard Warren, who also happened to be white, and who testified against Kevin in front of an all white jury.

**Ngozi Ndulue** 22:13

One concern that continues to come up in death penalty cases is whether people can be wrongfully convicted. Can innocent people be convicted and sentenced to death? And the answer is unequivocally yes. Since 1972, 190 people have been exonerated from death row. If we think about that, and if we think about that as an error rate, and we compare it to the number of people who have been executed 15,050 people, for every eight and a little bit executions, we've had one exoneration, and that is significant.

**Kim Kardashian** 22:53

I just want to take a second to highlight this horrifying statistic. And Ngozi is saying that for around every eight executions, there's an exoneration from death row. That's the error rate. If you ever had any doubt that wrongful convictions happen, particularly wrongful capital murder convictions, this statistic is pretty sobering.

**Ngozi Ndulue** 23:28

One thing to know just about what is happening in Ohio right now is that there is an active conversation about whether Ohio is going to abolish the death penalty. People don't see abolition as a bipartisan issue. But the way that it showed up in Ohio has been very explicitly bipartisan with some of the leaders has been calling for abolition being very conservative. And so I think that the question about kind of where Ohio goes next is something that a lot of people are watching. I think it's yet to be seen.

**Lori Rothschild** 24:03

So the question I asked people who are pro death penalty is what percentage of innocent people is it okay to execute? Because it's never got to be zero.

**Kim Kardashian** 24:14

This is Jason Flom, a veteran of the music industry, philanthropist, innocence advocate and host of the podcast "Wrongful Conviction with Jason Flom."

**Lori Rothschild** 24:23

I don't think we can talk about Kevin in this case without talking about the fact that the death penalty, aside from the fact that it's, you know, barbaric and it's the definition of cruel and unusual punishment. It's also true that there are a huge number of people on death row to this day in America who are innocent. There you know, best estimates are that about 10% of people on death row are innocent. Now, I believe it's higher. We know that there have been many innocent people executed in this country. Even in recent years Ledell Lee, who was proven after he was executed to have been innocent. The State fought the DNA testing right up until the day he was killed and murdered by the State. And Nathaniel Woods, last year, I'm getting the chills thinking about that when no one even ever claimed that he killed anyone. No one, just that he was in a room when it happened. There is nothing good about the death penalty. States that have the death penalty have higher murder rates than states that don't. And there's no deterrent effect. They've known that for generations. So why do we do it? We have to I mean, we have to stop what why do we as the old saying goes? Why do we kill people to show that killing people is wrong?

**Kim Kardashian** 25:40

We asked Jason about how he got involved as an advocate for Kevin's case.

**Lori Rothschild** 25:45

I see these stories too often every day. But it was abundantly clear that this guy never got a fair shot and never got a fair trial. So I was able to get in touch with Governor Strickland, we sat down with the Governor and we had a sober sort of, you know, thoughtful, trying to think of the right word meeting. And I begged and implored and cajoled him to set Kevin free, which I thought was the only logical remedy. You know, I have, it's so bittersweet, you know, because he did grant him clemency. But he commuted his sentence to life without parole. I think that today, if you asked him, he would probably say at least in private that he wishes that he would have done what was then the right thing and is still the right thing to do, which is to grant him a full, unconditional pardon. That being said, I believe that, as Governor Strickland found out, and I think would tell you, who knows, maybe we get the opportunity to interview him. I think he would tell you that he looking back regrets that he did not use his power to its fullest extent. And I'm not diminishing the fact that he's he saves Kevin's life. Look, I know that the Governor in his last days and weeks and months in office had a million fires to put out. And even as loudly as I was protesting, you know, I was just one voice. And I believe that any person, including the Governor of good conscience, could and should look at the basic facts, and just acknowledge that the system made a terrible, mistake is too generous, but the system fucked up.

**Kim Kardashian** 27:40

It hasn't been easy to get people to talk to us during the course of this podcast. And I understand. I mean, this brings up a lot of pain for people. Or maybe some people don't want to go back and admit their mistakes. However, we made our best efforts to get as many people on the podcast as possible. Lori even took a trip to Ohio to try to track down some individuals in person. One person I really wanted to speak to was Rodney Melton. And I tried. I called every number I can find connected to him. Should I start and say, hey, it's Kim Kardashian. Is Rodney there? Okay, tell me when. Okay, go. Get out, get out right now. Get out it's an emergency. No, all kids out.

**Phone Voice** 28:31



I'm sorry, a party you're trying to reach has not set up voicemail on seven.

**Kim Kardashian 28:39**

Should we try one more time?

**Phone Voice 28:40**

Hi, this is beep, I'm unavailable. Hello.

**Kim Kardashian 28:48**

Hi, this is Kim Kardashian. I was calling to see if Rodney was available. Hello? I think they hung up on me.

**Phone Voice 29:05**

Hello.

**Kim Kardashian 29:06**

Hi, I was calling for Rodney. This is Kim Kardashian. Is he available?

**Phone Voice 29:12**

Do you want to talk to Kim Kardashian? He's not here. Can I take a message?

**Kim Kardashian 29:20**

I think that number belongs to someone else now. And finally, I messaged Rodney on Facebook and asked if we could talk. And to my surprise, he responded saying yes. And he gave me a number to call.

**Phone Voice 29:44**

You've reach beep from Cornerstone Marketing Realty. I'm sorry to miss your call. Please leave your name, phone number and a brief message..

**Kim Kardashian 29:51**

But when I called that number, it actually belonged to a real estate agent in Canada. Another dead end. I messaged Rodney again asking if the wrong number was possibly a mistake. But he never answered me again. Lori also tried reaching out to Bruce Melton and he never returned to our call, but left this voicemail.

**Bruce Melton 30:16**

Yes, my name is Bruce Melton. And Lori you called this phone. Do not call this phone again about that killer. Do not, I repeat, do not call this phone again about that killer bye.

**Kim Kardashian 30:56**

I'm so excited to speak to you today.

**Ted Strickland 30:59**

What got you into this?

**Kim Kardashian** 31:00

There's a shortlist of people I really wanted to talk to when I was first looking at the case. And although not everyone was open to talking with us, I was able to sit down with some of the most important players in Kevin's post conviction process.

**Ted Strickland** 31:13

You know, when you become governor, you are made aware of the pending death penalty cases that are likely to come before you.

**Kim Kardashian** 31:22

This is former Ohio Governor Ted Strickland, the governor who commuted Kevin sentence in 2010.

**Ted Strickland** 31:30

I was faced with Kevin's case and it was scheduled. And I got my chief attorney, a guy named Marcus to really start digging into the case to look at all the circumstances. Kent Marcus said there seems to be some problems with this case. As I recall, the parole board had advised against commutation. The Parole Board as it was composed, I think, was more a mouthpiece of the correctional system than actually an organization that was committed to fairly and sufficiently looking at cases without having a preconceived idea as to what the outcome would likely be in their decision making. The most compelling thing for me was the way the evidence was presented to the jury, by this forensic analyst.

**Kim Kardashian** 32:25

Former Governor Strickland is referring to Michelle Yezzo, the BCI agent who solidified the getaway car as the smoking gun for the prosecution's case against Kevin. Last episode, we discussed her problematic record.

**Ted Strickland** 32:39

I mean, even her colleagues had indicated that they thought she had serious problems of competency and, and other kinds of personal issues that could have really discredited her findings. If the jury had known about those issues. Her testimony, I believe, had a great deal to do with a jury's decision to convict Kevin.

**Kim Kardashian** 33:05

There's so many things that I feel like if people heard now there'd be absolutely no way that they would be okay with this decision to not only give Kevin this lifelong sentence, but the death sentence.

**Ted Strickland** 33:23

The prosecutors, they are under tremendous pressure to try to bring closure to identify the guilty party and so on, because they're always facing the next election and wanting to avoid charges of being soft on crime, especially when the crime is is a very public crime that involves the taking of a life. And it just looks to me that the death penalty is final. And it never should be carried out if there is any little hint that the trial may have been not conducted fairly. So I commuted his sentence from death to life in prison.

**Kim Kardashian** 34:11

If there was enough to feel like you can commute a sentence to life without parole, what would stop you from either maybe presenting an innocence investigation or something further, that could completely commute his sentence?

**Ted Strickland** 34:29

At the time I commuted 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. From my perspective, if I were doing it now, I would want to commute his sentence. And I've expressed that to the current governor. And I've expressed that to the prior governor, Governor Bob Taft. In fact, I just talked with him two nights ago about this case. And I've you know, I've talked to our current Governor DeWine about this case,

**Kim Kardashian** 35:02

If your feelings have changed, why can't you know Governor DeWine look at all the facts. Look at all the new facts. Look at everything that we found, from when this case first started, this trial happened so quickly. I don't even believe that there was enough time for them to even investigate thoroughly all the people that were cleared.

**Ted Strickland** 35:26

Well, we ought to humble ourselves and acknowledge the fact that as good as a criminal justice system is, it is not perfect. There is a percentage of the people who are incarcerated in this country who are totally innocent of the crimes for which they have been incarcerated. There are innocent people who are languishing in our jails in our prisons. It's tragic. When that happens, it is unbelievably tragic, when that person may be executed, for a crime for any crime, but for a crime they did not commit certainly is unthinkable. The death penalty is something that I wish we didn't have. But if we're going to have it, we ought to make damn sure that there aren't any stones unturned in terms of trying to determine whether or not the convicted person is actually guilty. And if there are flaws in the in the prosecution, it never should be carried out if there is any little hint that the trial may have been not conducted fairly and so on.

**Kim Kardashian** 36:45

I've heard so many stories, and it just makes me so sad. Because no one is fighting for these people, and everyone just throws them away. Even in situations where I thought I would never have an open heart. How could I not try to help or be a voice for some of these people?

**Ted Strickland** 37:03

Well, in my earlier life, I was a United Methodist minister, I went to Theological Seminary, and then I became a psychologist. And I worked in a maximum security prison for a number of years here in Ohio, working with mentally ill incarcerated persons. I believe, as a result of my experience as a psychologist working in the prison system, as well as my political experiences, that we incarcerate too many people, and we incarcerate them for too long a period of time. If you take a 25, 23, 22 year old person, and you give them a 25 or 35 year sentence, that really can destroy their, you know, their hope for having a better future.

**Kim Kardashian** 37:52

I really appreciate your time talking to us and voicing your opinion. Hopefully, I'll get to come down to Ohio and meet with Governor DeWine. And I'd love to just hear your stories. Even just off record. I love hearing this stuff. I'd love to connect. I could talk to you all day.

**Ted Strickland** 38:09

I've enjoyed talking with you. Yeah, if you come to Ohio, and you see Governor DeWine, you give me a call and I'd be happy to have lunch or dinner with you.

**Kim Kardashian** 38:23

Hearing from Ted Strickland about how if he were to do it today, he would completely commute his sentence, that just literally gave me chills, and makes me so sad for Kevin. I mean, people can change people can have differences of opinion, and grow and evolve from those decisions that they make. You know, it's kind of like the Clintons, they put this crime bill in place and he regrets it now. Just was so heavy. Knowing that if he knew then what he knew now he would have made a different choice. And that could have changed Kevin's life

**Lori Rothschild** 39:15

Hello, Hey, Rach, it's Lori. How are you? Oh, good. Just sitting here working. Yeah, what is the story for today?

**Kim Kardashian** 39:23

On August 15, just a month and a half before this podcast launched, Kevin's legal team submitted a clemency application to get Kevin released from prison, if not immediately then at least in the near future. The application is based on all of the evidence collected by Kevin's team over the years and it also focuses on the positive impact he has made on the incarcerated people around him.

**Lori Rothschild** 39:46

Yeah, I was just gonna say it sounds like it could be, it could be a long wait.

**Kim Kardashian** 39:52

This is innocence advocate Lori Rothschild talking to Rachel Troutman. Kevin's attorney from the Ohio Public Defender's Office. At the time of this conversation, Rachel is prepping to submit an application for clemency to the Ohio Parole Board.

**Lori Rothschild** 40:06

So you know, Kevin has, I'm just putting together all of his prison, the things that he's done in prison and the programs that he's put together. And I have these just overwhelming amount of letters from some of the other inmates who just, he's helped them with recovery from drugs. It's incredible.

**Rachel Troutman** 40:24

Because there's, you know, in prisons that are still a lot of drugs available. And I mean, it's just he's got this this skill set that I can see a future for him outside the prison walls, you know, I'd love to have some options for him and to be able to demonstrate to the, to the Parole Board and to DeWine that there are

people who will, you know, take a take a risk with him, you know, that, that they see the value that he can bring. But yeah, that's the thing.

**Lori Rothschild** 40:55

So it would have to be some it would have to be either local to Ohio, or some sort of remote work,

**Rachel Troutman** 41:01

Absolutely.

**Lori Rothschild** 41:02

That maybe he could do if we could just make sure he has a computer and all that stuff.

**Kim Kardashian** 41:06

Today, by the time you're listening to this episode, Kevin's legal team has submitted the application for clemency to the Ohio Parole Board. It's my hope that this podcast, this story, reaches the right people, and that they seize the opportunity to give Kevin at least a hearing. Because family is so important to me, personally, I think I got drawn into Kevin's case, I always go back and think about Charles and think about the family dynamic and how their family was so affected.

**Charles Keith** 41:38

I mean, I'm happy, I'm here, I can see the progress, I can measure that. And that makes anybody happy when you can measure your progress. And being here with you. And I'm looking back at 19. Because right now my mind is at 1994. And you are my 2022. Wow. And no money, only money, only not anything. Because people always talk about what they can't do without money. And I thought that too. I had to give up myself. And I think I gave everything I had. And it'll relate and resonate with all the poor people out there. The lawyers, I mean, anybody that feels American, the story will touch them. And those were tears of joy. Yes.

**Kim Kardashian** 42:47

Every case, especially after working on Kevin's case, it just opened up my eyes to really have a lot of empathy for all the families that are involved. This doesn't just affect one person, no matter what side you're on, families are torn apart. And it's heartbreaking. And, you know, I always think about the victims and their families. And I'm sure this is really painful to bring up for everybody involved. My goal is not to bring any more pain, but to just bring the ultimate closure and if the story has been told in the wrong way to just write that and make sure that we get the right person behind bars. When I work on cases, and I see all of the corruption and everything that happens it makes me keep my motivation going. Keep working at school, I have a few years left. I get you know, discouraged sometimes but then I work on a case and it really gets me focused and just pushes me to fight harder.

**Phone Voice** 44:08

Hello, you have reached Marin Correctional Institution. To continue your call, please listen to the following options.

**Kim Kardashian** 44:14

Hey, how are you?

**Kevin Keith** 44:16

I am so overwhelmed with joy and I've been hearing a lot and I am so grateful to you.

**Kim Kardashian** 44:21

How does it work? Do they allow you to listen to podcasts in?

**Kevin Keith** 44:26

No Rachel's gonna bring them down. We ain't got that kind of system here but Rachel's gonna bring her laptop or laptop down and in a week and a half or two weeks and we're gonna listen to some of them.

**Kim Kardashian** 44:38

Oh, good. I asked Kevin how he feels waiting to hear the results of this latest submission. And after 28 years in prison, does he still allow himself to feel hope? As you know, you know, Rachel filed push for clemency. How do you feel about it?

**Kevin Keith** 45:01

Well, I'm always hopeful. Even though I had those moments, you know, I seized hope that's what I did. I made hope my own because keep in mind, I was 13 days away from being executed. I could have been dead. But I do have still have hope and humanity to because I have seen humanity inside these walls and through individuals like you. I've seen it on the outside. So I'm hoping this is a point right here today we'll have something like the growth that Governor Strickland had.

**Kim Kardashian** 45:32

I told Kevin that I spoke to former Governor Strickland and I told him what he said. I got on the phone with Governor Strickland. And he said he wished he had done things differently. And that he wished he fully commuted your sentence and he wanted to help us and speak up with us.

**Kevin Keith** 45:50

When they initially gave me clemency and sends me to I don't like repeating those words, but the life at the time he did that I really wasn't grateful at that time, because I was more like, I felt like there was another death sentence. But after a while I thought about it. And I was like, no, he gave me breath to fight on. So I'm grateful for that. Definitely grateful to him. Yeah, believe me, it was election year Kim. So you know, what's going through my mind is election year, okay. And he had everything to lose, and nothing to gain to grant me clemency. It took me a couple of weeks to kind of, you know, really think about that. And, you know, appreciate that. Not the life sentence, but appreciate that he did. Because a lot of that's not going on right now. Okay, especially with political figures. So I'm grateful to Mr. Strickland, and hopefully I look forward to visiting him soon, I heard, that might be a possibility. And I'll probably be full of tears, I'll probably be full of tears.

**Kim Kardashian** 46:48

Understandable. I mean, it was just like, we were on a zoom. So I was able to see his face. And we connected and just hearing what he like advocates for now and how he lives his life now. It seems like

this would have been such an easy decision for him. And it does kind of sit with him that he didn't, you know, completely commute your sentence,

**Kevin Keith 47:14**

You know, just gonna be just more about you than it is about me. And I mean that because you happen to be one of the people that you would like to see those political figures be to make those decisions. I mean, look, you could be doing a million things right now. Okay, but you're on the telephone with a guy who was sentenced to death for a heinous crime. I just see God in that.

**Kim Kardashian 47:40**

Every time I work on something different, or even every time I talk to you, it's like, so inspiring to me to want to just do more. And even if I think oh my gosh, like, I really just need to finish school and I need to do this. And time has become an issue of, you know, being able to help more people. It just makes me definitely not want to stop.

**Kevin Keith 48:02**

You encourage other people. And other people will make those sacrifices too, because that's a sacrifice. You know, serving is a sacrifice. Yeah, hopefully that's that's what I'm saying. I'm telling you last couple of nights that's all I been thinking about. I'm I'm thinking about Lord, I know this is bigger than me. It's about Kim, it's, we talked about Strickland, it's about Strickland. It's about other people out there hearing the story, and probably encouraged to get involved with activism, especially during these time phases that we live in right now. It's more important than ever.

**Kim Kardashian 48:35**

I'm so amazed by Kevin's spirit. I can only imagine what that time in prison can do to your sense of hope. And I'm here for you, Kevin. We're gonna, we're gonna do this. We got a we got to do this.

**Kevin Keith 48:51**

All right. Thanks, Kim.

**Kim Kardashian 48:53**

You're welcome. All right. I'll talk to you soon, Kevin. Okay. I do have more hope for Kevin's case now. I feel like people that are in real positions of power that have looked at all of the facts, really do believe in him. And I hope that we can make a real difference. You have to think if there's a Kevin, there's thousands of Kevin's out there. And that is what I want to change. I absolutely would love to do more stories in the future. I think it's really important to tell the stories of people that don't have a voice. There's another case I have in mind. We'll see.

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

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