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September 21, 2005

Sherry Bevan Walsh
Summit County Prosecutor
53 University Avenue
Akron, Ohio 44308

Re: Clarence Elkins case

Dear Ms. Walsh,

We wish to inform you that the defense team in the Elkins case has conducted new DNA testing that conclusively exonerates Elkins and implicates Earl Mann in the murder and rapes of which Elkins was convicted.

If you recall, there was a "match" to a high degree of statistical probability between a male profile on the child-victim's pink panties, and the male profile on the vaginal swab of Judith Johnson. This full profile from the panties and swab are consistent with Earl Mann's DNA for a full 12-point match. In other words, all 12 markers that have been identified match those of Earl Mann. This profile from Mann and the evidence of the crime scene has never been seen before in more than 4,000 samples in the YSTR database. Thus, so far, it is a unique YSTR profile, and there is less than 1 in 4,000 chance that it is not Earl Mann who left his DNA at the crime scene in the most highly probative areas.

Not only does Earl Mann resemble Clarence Elkins, but we have interviewed witnesses who have placed Earl Mann in the vicinity of the murder and rapes around the time that they occurred. Earl Mann is a convicted sex offender and pedophile, and is currently imprisoned at the Toledo Correctional Institution. He committed additional crimes against children after Elkins was wrongfully charged in this case.

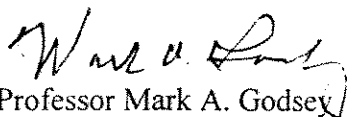
In light of the above, we respectfully request the following:

- (1) That your office move expeditiously in clearing and releasing Clarence Elkins. We understand that you may want to take your own sample from Earl Mann for comparison, and we believe that to be a reasonable request assuming it is done quickly and efficiently.

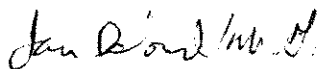
- (2) That your office immediately consent to a remand of the case from the Court of Appeals so that we may move forward on this matter without delay. The current case before the Court of Appeals is now moot, and requiring a completion of that matter before moving forward would be a waste of judicial resources and against the public interest.
- (3) That your office invite a neutral law enforcement agency, such as the Ohio Attorney General, to conduct or participate in the renewed investigation. Law enforcement individuals involved in this case, including those from your office, have demonstrably suffered from severe tunnel vision, which has caused the unfortunate result we are now witnessing. The participation of law enforcement officers without a vested interest in the case and who can maintain a modicum of objectivity would provide the victims' family and the public with a greater sense of confidence in bringing this case to resolution and finally bringing justice to the victims. In addition, we have interviewed some of the original witnesses from the trial, who have indicated that the conduct of the police and prosecutors was less than professional during the original investigation. Statements made by witnesses were changed, statements that favored Elkins were ignored, and the prosecution's team marched forward without the objective eye necessary for a fair and just investigation and prosecution. This request comes from the victims' family, who have suffered greatly at the hands of the State, and have accordingly lost confidence in the ability of police and prosecutors originally involved to bring the true perpetrator to justice.
- (4) That all witness interviews be digitally recorded from beginning to end. Given what has occurred in this case, the victims' family and the public will not have confidence that this case can be brought to a fair resolution unless a clean record of the investigation is created and maintained. We believe that these procedures would benefit not only the victims' family and the public, but your office as well.

Despite the serious problems that have arisen in this case, we hope that participants from your office will be able to put aside emotions and move forward in a fair and just manner. It is our hope that you will act quickly to remedy the miscarriages of justice that have occurred, and that in doing so, we will soon be able to say that the public should be proud of how your office recognized its mistakes and moved without self-interest to remedy them as soon as possible.

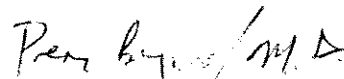
Sincerely,



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