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**FILED**  
MAY 1 2020  
Clerk of Courts  
Cuyahoga County, Ohio

**IN THE COURT OF COMMON PLEAS  
CUYAHOGA COUNTY, OHIO**

STATE OF OHIO  
Plaintiff

ISIAH ANDREWS  
Defendant

Case No: CR-75-017902-ZA


Judge: ROBERT C MCCLELLAND

INDICT: 2903.01 AGGRAVATED MURDER

**JOURNAL ENTRY**

RULING ON DEFENDANT'S MOTION FOR NEW TRIAL. O.S.J.

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Judge Signature

4/30/2020  
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Date

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 ) CASE NO. CR-75-017902  
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 ) JUDGE ROBERT C. McCLELLAND  
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 v. )  
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 ) **RULING ON MOTION FOR NEW**  
 ISAIAH ANDREWS ) **TRIAL**  
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This matter is before the court on the Defendant’s motion for new trial, the court having granted leave for the filing of the motion. There has been extensive briefing from both parties and the parties have agreed to allow the court to make a ruling without the necessity of an oral hearing, particularly due to the technical difficulties that currently exist due to the Covid-19 virus and the reduced activity at the court. In addition to the briefing, the court has reviewed the trial transcript and the exhibits both from trial and the additional exhibits provided and attached to the briefing. There was a previous motion for DNA testing which was ordered following an appeal of this court’s initial ruling denying the testing. The results that have been provided to date have either been inconclusive or having insufficient materials for testing.

The relevant case law for this consideration is *State v. Petro*, 148 Ohio St. 505, 76 NE 2d 370, and *State v. Glover*, 8<sup>th</sup> Dist., 2016-Ohio-2833. *Glover* has a number of similarities to the current matter. In that case, as here, there was information that was not provided to the defense that arguably could have had an impact on the outcome. *Glover* explained that, “[e]vidence favorable to the defendant shall be deemed material only if there is a reasonable probability, had the evidence been disclosed to the defense, the result of the proceeding would have been

different.” A “reasonable probability” is a probability sufficient to undermine confidence in the outcome. In addition, the court held that while, “...each bit of omitted evidence standing alone may not be sufficiently material to justify a new trial, the net effect, however, may warrant a new trial.”

In *Glover* the defense had not been provided with the names of two witnesses to a shooting who had testimony that would either contradict or discredit other witnesses claiming that Glover was the shooter. The court found that it was clear the defense was not provided with such information since they never used it in the defense of the case. The court in *Glover* determined that had the defense had such information and presented it in his case, the outcome could have been different and granted a new trial.

Here, we are presented with information concerning a potential suspect for the murder of R.A., the victim, a man named Willie Watts. At the time of this murder, investigating officers were apparently certain that Watts had committed the crime when they stated on the final page of their supplementary report, “[i]t is our opinion that this crime was committed by Willie H. Watts, who is apparently attempting to sell his mothers [sic] coat and her other valuables to get money to get away from this city.” The police later declined to prosecute Watts accepting his alibis and focusing their attention on the defendant.

The Eighth District Court of Appeals set forth the facts from trial as follows:

The defendant was arrested on September 19, 1974 and charged with the stabbing death of his wife, R.A. At trial Linda Cloud testified she lived in the Colonial Hotel next door to where the defendant and his wife lived. Cloud stated that on September 17, 1974 at 9:00 p.m. she saw R.A. and an unidentified man enter the Andrews'[s] room and that sometime later she saw the

defendant appear and also enter the room. Cloud testified that between 1:00 and 1:30 on the morning of September 18, she saw the defendant and his wife leave their room and get into their car, at which time she overheard the defendant tell his wife, "[B\*\*\*], you know I am going to kill you, don't you."

Betty Worth[y] testified that she was working as a maid at the Colonial House Hotel on September 18, 1974 when, at about 11:00 a.m., she saw the defendant talking to his wife in the doorway of their room. Worth stated that she saw the defendant slam the door and go inside the room, whereupon a record player in the room was turned up very loud. Worth stated that approximately ten minutes later the record player was turned off and the defendant came out of his room, went to his car and opened its trunk; that the defendant then returned to his room and within a few minutes left carrying a large heavy object over his shoulder which he placed in the trunk of his car. Worth testified that she walked past the defendant's room and saw that the bed was stripped of all linen.

R.A.'s body was found in Forest Hills Park in the afternoon of September 18, 1974 wrapped in bedroom linen. The linen was identified by Betty Worth as being the same type used in the Colonial House Hotel.

Defendant and his wife were temporarily living in Room 133 at the Colonial House Hotel. Around 5:00 p.m. on September 18, 1974, defendant spoke to Betty Worthy, an unpaid maid at the motel, and inquired about his wife's whereabouts. Worthy knew that several prostitutes lived at the motel and suggested that maybe R.A. had been arrested. Defendant called the police and reported his wife missing. After a few hours, defendant called R.A.'s mother. After receiving a phone call from defendant, R.A.'s mother arrived at the motel with some

family members. They noted that other than dirty dishes in the kitchenette, the room was neat and orderly, the bed was made, and there was no blood anywhere. Defendant told his mother-in-law that he was away from the motel most of the day and he did not know where R.A. was.

R.A.'s body was discovered by a bystander, Jess Byous, who found her in Forest Hills Park, wrapped in blood-soaked bed linens. She had multiple stab wounds to her neck and the front of her body. R.A.'s nightgown, peignoir, and full-length caftan were pushed up above her waist, leaving her lower half bare. R.A. was not wearing any underwear or shoes. The bed sheets found with the victim were labeled "Holiday Inn, Akron-Canton." Police also discovered two pillow cases labeled "Howard Johnson" and a hand towel stained with urine and fecal matter in the bedding. Police found about a dozen blood-soaked Plain Dealer newspapers in the woods near the body.

On September 19, detectives went to the Colonial Inn, where defendant voluntarily agreed to speak with them. Defendant explained that the couple had recently married and were staying at the motel temporarily while searching for a place to live. Defendant told police he last had sexual intercourse with his wife the night before she was killed. He last saw his wife when he left their room just before 8:00 a.m. on the morning of September 18. He ran errands over the course of the day, selling clothes and wholesale fish, and returned home in the afternoon. When he got back to the motel, the room was locked with no one inside, and defendant had to get a spare key from the front desk clerk.

After the meeting with defendant, detectives interviewed others at the motel, including Linda Cloud and Betty Worthy. Cloud lived next door to the Andrews in Room 131. She initially told detectives that she saw defendant and R.A. on September 17 and heard the TV on

around 11:00 a.m. on September 18. Cloud also told police that a light-skinned man was in the Andrews's motel room around 9:00 p.m. on September 17.

Betty Worthy had lived at the Colonial House Motel for two months. Worthy told police that she saw defendant talking to his wife around 11:00 a.m. on September 18. According to Worthy, defendant was inside the room for approximately ten minutes and, during that time, extremely loud music was playing. Defendant then came out of his motel room and made eye contact with Worthy. He walked to his car, opened the trunk, and proceeded back to his room. When he emerged from his room again, Worthy saw defendant carrying a heavy bag over his shoulder, which he put in the trunk. He then returned to the doorway of the motel room, said some words into the room, and left.

Worthy next saw defendant around 5:00 p.m. at the motel office. Worthy testified that defendant was still wearing the same brown suit she had seen him in earlier in the day and he was dressed "very neatly," as he usually dressed. At trial, Worthy told, for the first time, that after she saw defendant put a bag in the car, she looked into defendant's room and saw that the sheets had been stripped off the bed. Worthy admitted that she did not mention this to police in her initial account. According to Worthy, she "only told [police] part of it" and could not initially remember details to which she eventually testified.

Dr. Elizabeth Balraj performed the autopsy of R.A. She counted 11 stab wounds, all to the front of the body – the doctor located 7 stab wounds on the neck and 4 superficial stab wounds on the abdomen. Dr. Balraj estimated that R.A. lost two to three pints of blood and testified that the stabbing would have produced "a great deal of blood."

Defendant gave police permission to search his car, including the trunk, but the police did not locate any blood in the car or its trunk. The police also did not locate any blood in the Andrew's motel room, including on the mattress or the carpet.

As part of the investigation, police closely examined R.A.'s clothing for defects, where the knife would have penetrated the fabric. Despite R.A. having been stabbed 11 times in the neck and abdomen, there were no defects on the peignoir, and her full-length caftan showed only two defects, both around the neck area. Barbara Campbell, a trace evidence technician with the coroner's office, testified that the markings on R.A.'s clothes were consistent with her nightclothes having been "pushed up" at the time of the stabbing.

The jury convicted defendant of aggravated murder and the court sentenced him to life in prison.

It is clear that the defense never had the information concerning Wille H. Watt at the time of trial. It was never raised in the trial and there is no indication that it was a part of the discovery provided. This was also a time when discovery was provided in a very limited manner, often without any copies being provided. There was no opportunity to interview Watts or any affiliated witnesses or to cross-examine the officers concerning their initial belief that Watts was the perpetrator of this crime.

The State raises several good arguments for why this information, while not available to the defense at trial, is irrelevant and would not affect the outcome of the trial. There is nothing in the evidence to support any kind of meeting or relationship between R.A. and Watts. However, there was testimony of a "light-skinned" man being with R.A. the night before the murder at the Colonial House Hotel. There was no opportunity to try and determine if that man

was Watts. There is testimony that the bed linens from both the hotels involved were often mixed up and there was no consistency as to which linens would end up at which hotel. The pillow cases found with the victim were labeled from a Howard Johnson hotel, where Watts had supposedly been staying and there is a claim that those pillow cases and bed sheets were missing from his room. The bed sheets were labeled "Holiday Inn, Akron-Canton". The victim was brutally stabbed and there was a great loss of blood. The defense claims that it was not possible for R.A. to have been attacked in such a way in their hotel room and carried out in a rolled up carpet, as alleged, without a great deal of blood stain. There was no blood found in the apartment, no trail of blood out from their apartment to defendant's car and no testimony of seeing blood from the witnesses from the hotel, and no blood in any part of the defendant's car. None of that removes the possibility that R.A. was attacked and stabbed at the scene where the body was found in Forest Hills Park. She could have been unconscious if she was removed from the hotel. There seem to be myriad scenarios that could be explored when adding in the potential of a different suspect or perpetrator.

There is no way of telling whether the information concerning Watt was withheld or simply ignored as irrelevant when he was eliminated as a suspect by the police. Regardless, the information was not in the hands of the defense team to make their own decision of whether it would provide a defense for their client. In *Brady v. Maryland* 373 U.S. 83, 83 S.Ct. 1194 (1963), the United States Supreme Court held, "suppression by the prosecution of evidence favorable to an accused upon request violates due process where the evidence is material either to guilt or punishment, irrespective of the good faith or bad faith of the prosecution." There is no suggestion of any "bad faith" in this instance. The information was not made available to the defense team.



Consistent with the holding in *Glover* the court finds that this additional information, not available to the defense at the time of the trial, could by its net effect, undermine the confidence in the outcome of the trial. The court is not making a decision concerning the probable outcome of this case but only that the likelihood of a different result is great enough to “undermine the confidence in the outcome of the trial.” *Kyles v. Whitley* 514 U.S. 419, 115 S. Ct. 1555 (1995).

The court finds that the defendant’s motion for new trial is proper and is granted. A hearing is to be scheduled to discuss bond and the setting of a new trial date.

**SO ORDERED:**



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Judge Robert C. McClelland

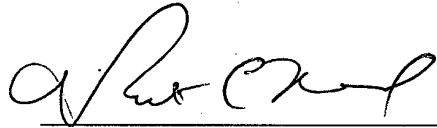
Date: 4/30/2020

Certificate of Service

A copy of this Order was sent via the Clerk of Court's electronic filing system this 30<sup>th</sup> day of April, 2020 to:

Anthony Miranda at amiranda@prosecutor.cuyahogacounty.us  
Assistant Prosecuting Attorney for the State of Ohio

Brian Howe at Brian.Howe@uc.edu  
Attorney for Defendant



JUDGE ROBERT C. McCLELLAND