

Death Row Inmate Granted New Trial in Vorys Pro Bono Case

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On December 20, 2022, Judge Wende Cross of the Hamilton County Court of Common Pleas granted death row inmate Elwood Jones a new trial. Jones has spent nearly 30 years on death row for the September 1994 death of Rhoda Nathan in Blue Ash, Ohio. Throughout that time, Jones has consistently maintained his innocence and claimed that his November 1996 trial was fundamentally flawed. In her decision (read [here](#) or view the live stream [here](#)), Judge Cross found that “[t]he police investigation of the murder of Ms. Rhoda Nathan was mishandled by the Blue Ash Police Department in 1994,” and that the prosecutors withheld “relevant exculpatory and impeaching evidence” from Jones’ defense team before his 1996 trial. Judge Cross made clear the import of her decision:

When prosecutors withhold evidence that they are duty-bound to turn over, they undermine the Constitution, the Supreme Court's case law, and the premise of justice. Brady violations not only send potentially innocent people to prison, but they reinforce a win-at-all costs mentality that undermines the pursuit of justice. As noted by the U.S. Supreme Court, a prosecutor should not be the "architect of a proceeding that does not comport with standards of justice." *Brady*, 373 U.S. at 87-88. Such failures violate a defendant's rights to due process of law under the Fifth and Fourteenth Amendments and thwart the various protections that together constitute the fundamental right to a fair trial under the Sixth Amendment.

David Hine, a partner in the Vorys Cincinnati office, and Emily St. Cyr and Zach Hullinger, associates in the Vorys Cincinnati office, served pro bono as counsel at the three-day evidentiary hearing on Mr. Jones’s motion for new trial in August 2022. Hine, along with Cincinnati-based criminal defense attorney Jay Clark, led the defense team during the hearing, and both Hine and Clark offered compelling closing arguments. Hullinger and St. Cyr then prepared a comprehensive written post-closing memorandum, filed after the hearing, which detailed the evidence and arguments presented.

After issuing her decision, Judge Cross set the matter for a hearing on January 12, 2023. The defense team has filed a motion requesting bail to be set at, or before, that hearing.

Amber Hunt, of the Cincinnati Enquirer, produced a podcast about Jones' case – "Accused Season 4: The Impending Execution of Elwood Jones." A link to the podcast can be found [here](#). Ms. Hunt was at the hearing and a Cincinnati Enquirer article on Judge Cross' decision can be found [here](#): Death-row inmate, subject of 'Accused' podcast, granted new trial.

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