



CHRISTOPHER R. TUNNELL

**ASHLAND COUNTY
PROSECUTING ATTORNEY**

Press Release – For Release: July 21, 2022

Shawn Grate Denied Post Conviction Relief

Ashland County Prosecuting Attorney Christopher R. Tunnell is pleased to announce that Ashland County Court of Common Pleas Judge Ronald P. Forsthoefel has denied Shawn Grate’s post-conviction petition. Prosecutor Tunnell explained that a post-conviction petition is a request by a defendant, after he has been convicted, that the trial court set aside the jury’s verdict and order a re-trial. Such a petition is very common in capital cases such as this.

Grate is being represented by the Ohio Public Defender’s Office, who filed the petition on his behalf. The Public Defender’s Office claimed that there were errors committed by Grate’s defense team in the presentation of psychological evidence among other issues. The Ashland County Prosecutor’s Office is being aided in the various appeals and post-conviction filings in the case by Attorney General Dave Yost’s Office. The response to the post-conviction petition was filed by Stephen Maher, Senior Assistant Ohio Attorney General, of the Attorney General’s Capital Crimes Unit. Judge Forsthoefel denied the petition without a hearing on July 19, 2022.

Prosecuting Attorney Tunnell praised the work of Yost’s office, “Mr. Maher and his team have been outstanding to work with and are extremely knowledgeable. They’re carrying on a tradition that we started at the very inception of this case; this prosecution has been a team effort. Ashland County has been blessed to have relationships that allow us to maximize cooperation between agencies with the result being monsters like Shawn Grate are taken off the street and put on death row where they belong.”

Tunnell expects that the Ohio Public Defender’s Office will file an appeal of Forsthoefel’s decision with the Fifth District Court of Appeals. “The name of the game in capital litigation is to exhaust all State remedies so that they can find a sympathetic ear in the Federal Courts. A Federal Court won’t hear an appeal of this sort until they have done everything possible in State Court to get their verdict overturned. Shawn Grate’s prior appeals to the Ohio Supreme Court and the United States Supreme Court were unsuccessful. Filing a post-conviction petition in the trial court allows them another avenue of appeal to the Fifth District, to the Ohio Supreme Court, and to the U.S. Supreme Court. When and if all of those appeals are denied and exhausted, the Public Defender’s Office will file a petition with the Federal Courts and take their complaints there,” Tunnell explained. “We feel good about our position in the courts,” he added.

“The prosecution team tried a very clean case. We were extremely cognizant from the beginning that any evidence that could be complained of 20 years from now not be placed in the case. The goal was, and still is, to position us to maintain our conviction and death sentence. So far, we’ve been highly successful and that hard work upfront has paid off. I anticipate that it is going to continue to pay off.”

Tunnell added, “As always, anytime there is a development in this case, our thoughts and prayers are with the victims and their families, as well as our first responders who had to investigate that tragic situation.”