

Canton man faces possible execution, barring last appeal

by Paul E. Kostyu

COLUMBUS, Ohio - A Canton man convicted of a double killing in 1985 could face execution this year if his latest, and possibly last, attempt to have his conviction thrown out fails.

On March 5, the U.S. Supreme Court refused to hear the case of John Grant Gillard of Canton, but Gillard's attorney, Edmund W. Searby of Chagrin Falls, asked the court on March 29 to reconsider its decision. The court is expected to review that request on April 20.

Depending on the outcome, it could be the end of Gillard's case. The Ohio Attorney General's office lists Gillard and five other death row inmates as having exhausted or nearly exhausted their appeals and are "nearest execution." None have had execution dates set. Once the appeals for Gillard end, the Stark County prosecutor's office will request the Ohio Supreme Court to set a date.

Prosecutor John D. Ferrero said the paperwork is ready once the U.S. Supreme Court rules.

Amy Borrer, a spokesperson for the Ohio public defender's office, said Gillard is reaching the end of his appeals process. She would not comment further about the case.

Gillard, who has maintained his innocence, was convicted in the execution-style murders of Denise Maxwell and Leroy Ensign after a New Year's Eve party in the 200 block of Kennet Court NW. The two victims and a third, Ronnie Postlethwait, spent the night at the home where the party was held. Postlethwait was shot in the head but survived and later identified Gillard as the shooter.

During the party, witnesses said, William Gillard, John's brother, fought with Ensign. After the fight broke up, William Gillard returned and was seen firing a gun into the air outside the home. Shortly after that, the back door burst open, then Ensign, Maxwell and Postlethwait were shot. After also being charged with the murders, William Gillard eventually pleaded no contest to firing a gun in the city.

The eight-week trial of John Gillard, at the time one of the longest in Stark County history, was one of the first cases for then Prosecutor Robert Horowitz, who is deceased. Gillard's original attorney, Louis Martinez, also is deceased. Martinez represented both Gillards and Searby contended in his appeal of John Gillard's conviction the dual representation was a conflict of interest. He also said Martinez didn't present certain evidence that would have helped John Gillard and he didn't argue effectively on his behalf.

Searby could not be reach for comment Friday.

Jennifer Brindisi, press secretary for Attorney General Marc Dann, said it would be rare for the U.S. Supreme Court to reverse its decision to deny Gillard a hearing.

Ferrero said his office also is preparing for a clemency hearing should Gillard request one. Ferrero said his office has notified Postlethwait and family members of Maxwell and Ensign that they may be needed at the hearing.

Gillard has been on death row for 7,961 days. Four other inmates on death row are scheduled for execution this year.

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