

MESSAGE FROM PROSECUTOR SHERRI BEVAN WALSH

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Three Judge Panel Convicts Man of Aggravated Murder Death penalty phase to begin in March

(January 23, 2009, Akron) ... Summit County Prosecutor Sherri Bevan Walsh announced today that a three judge panel found Hersie R. Wesson, 51, Dawson Road Avenue in Akron, guilty of two counts of Aggravated Murder, a special felony, two counts of Attempted Murder, felonies of the first degree, two counts of Aggravated Robbery, felonies of the first degree, Having Weapons Under Disability and Tampering with Evidence, both felonies of the third degree. He was also found guilty on three Aggravated Circumstance Specifications, which are attached to the Aggravated Murder charges and make him eligible for the death penalty.

Wesson faces the death penalty. The mitigation/sentencing phase of his case will be on March 6, 2009. The three judge panel included Common Pleas Judge's Thomas Teodosio, Robert Gippin, and Brenda Unruh. The same judges will preside over the mitigation/sentencing phase.

On February 25, 2008, Wesson murdered Emil Varhola, 81, and attempted to murder his 77-year-old wife in their Kenmore Blvd. home. Wesson was on post release control for burglary at the time of the occurrence. Wesson entered the victims' home in an effort to take a weapon so that he could shoot his girlfriend, who had broken up with him. After Wesson told his girlfriend that he was going to get a gun and come shoot her, she called his parole officer, who along with the Northern Ohio Violent Fugitive Task Force, starting looking for him.

The victims knew Wesson, as they were former neighbors and had given him food and money before. While in the victims' home Wesson stabbed the male victim five times and then stabbed his wife multiple times. She played dead, which saved her life. The female victim was able to call her son, who called 911. Wesson robbed the male victim of his wallet and jewelry after killing him. Additionally, Wesson stole a firearm from the home, which police recovered later that evening.

Wesson fled the scene and was found on South Arlington pretending to be asleep. Wesson confessed that he killed in self defense to officers. He maintained a claim of self-defense throughout the trial.

A three judge panel heard the case after Wesson waived his right to a jury trial. Unlike a regular bench trial where one judge hears the case, in a death penalty case, Ohio law requires that a three judge panel hear the case.

Additionally, death penalty trials consist of two phases: the guilt phase and the sentencing phase. The verdict at the guilty phase requires a unanimous vote in order to

move on to the sentencing phase. At the sentencing phase, the defendant may offer mitigating circumstances as to why the death penalty is not the proper sentence. The prosecution may rebut such testimony.

The wife of Mr. Varhola has yet to fully recover from the injuries inflicted by Wesson. The prosecution had to play a video deposition due to her immobility.