



STATE OF WEST VIRGINIA
OFFICE OF THE GOVERNOR
CHARLESTON 25305

April 2, 1976

ARCH A. MOORE, JR.
GOVERNOR

The Honorable Robert L. Ratchford, Jr.
Deputy Assistant to Governor James A. Rhodes
Office of the Governor
State House
Columbus, Ohio 43215

RE: Interstate Rendition of Frank Harold Freshwaters
aka William Harold Cox aka Frank Harold Lancer

Dear Mr. Ratchford:

I have received your letter requesting additional information regarding my decision to deny Governor Rhodes' requisition for the return of the above-named individual.

As you know, it has been the policy of the Executive Office of this State to return those fugitives escaping from confinement. However, in view of Mr. Freshwaters' flawless sixteen-year residency in the State of West Virginia, I requested an Extradition Hearing in order to obtain additional information relative to his case. Two hearings were held in our Attorney General's Office, on December 2, 1975, and January 15, 1976. On both occasions, the State of Ohio was notified but did not choose to appear.

At the first hearing, it was established that, soon after his arrival in the State of West Virginia, Mr. Freshwaters began living with a woman, Joyce Wade, who is now married to another man. However, during the course of their commonlaw-type relationship, two children were born to the couple and Mr. Freshwaters proved to be a good father and provider for his family. Furthermore, testimony was given by Mr. Freshwaters' employer, fellow employees, friends, and neighbors, all of whom vouched for his good character, habits, abilities, and job potential. It should be noted that Mrs. Wade swore out a bogus peace warrant against Mr. Freshwaters which eventually led to his apprehension for the Ohio escape. More importantly, however, is the fact that Joyce Wade did not appear at the peace warrant hearing or the second extradition hearing which was scheduled solely to enable her to testify.

In conclusion, I want to point out that by denying this requisition, I am neither condoning nor excusing Mr. Freshwaters' actions in the State of Ohio. However, the primary objectives in our corrections system are the rehabilitation of the criminal offender.

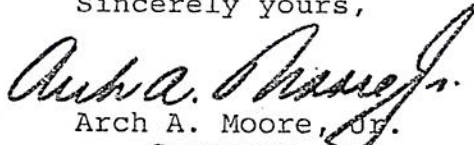
OFFICE OF THE GOVERNOR

The Honorable Robert L. Ratchford, Jr.
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April 2, 1976

and the protection of society. I am of the opinion that Mr. Freshwaters has proved himself in the last sixteen years to be an effective and responsible citizen of our State and would in no way endanger any member of society. However, the parole-like supervision plan I have mentioned in my last letter would certainly resolve any doubts your State may have in this regard.

I hope the information provided will be sufficient and will look forward to your reply.

Sincerely yours,


Arch A. Moore, Jr.
Governor

AAMJr:sc



STATE OF WEST VIRGINIA
OFFICE OF THE GOVERNOR
CHARLESTON 25305

March 15, 1976

ARCH A. MOORE, JR.
GOVERNOR

The Honorable James A. Rhodes
Governor of Ohio
State Capitol
Columbus, Ohio 43215

RE: Interstate Rendition of Frank Harold Freshwaters,
aka William Harold Cox aka Frank Harold Lancer

Dear Governor Rhodes:

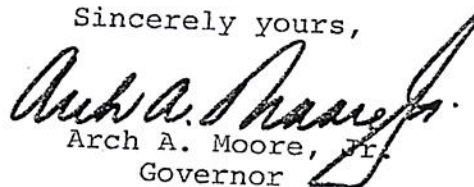
As you may recall, on September 26, 1975, your office forwarded to me your requisition and appointment of agent concerning the above-named fugitive. Upon receipt of your requisition, certain facts were called to my attention which caused me to question the wisdom of the fugitive's return to your state.

At my direction, a hearing was conducted regarding the extradition of Mr. Freshwaters. The accused has lived a good life, completely free of crime or criminal activity for the last sixteen years in this State. For this reason, along with other reasons that will be furnished to you upon your request, please be advised that I shall not honor your request for requisition, and I am, therefore, herewith enclosing the papers hereinbefore mentioned.

It is my opinion that Mr. Freshwaters should be placed on some sort of parole-like supervision in this State for a short period. I am informed that in order for the Ohio authorities to be able to release the subject to parole supervision, it is necessary for the Superintendent of the Sandusky Reformatory to withdraw his petition requesting Mr. Freshwaters' return. The West Virginia Division of Correction, the agency charged with the supervision of parolees in this State, has agreed to assume supervision of Mr. Freshwaters. I am in hopes that you can secure the necessary withdrawal of the warden's petition so that Mr. Freshwaters may begin his parole period as soon as possible.

Thank you for your cooperation in this matter. If you have any questions, please do not hesitate to contact me.

Sincerely yours,


Arch A. Moore, Jr.
Governor

AAMJR:act
Enclosures

cc: Assistant Attorney General E. Leslie Hoffman, III



STATE OF WEST VIRGINIA
OFFICE OF THE ATTORNEY GENERAL
CHARLESTON 25305

CHAUNCEY H. BROWNING, JR.
ATTORNEY GENERAL

RECEIVED
1976 JAN -7 AM 8:53
SUPERINTENDENT'S OFFICE
OHIO STATE REFORMATORY

NOTICE OF EXTRADITION HEARING

IN RE: EXTRADITION OF WILLIAM H. COX,
ALIAS FRANK FRESHWATERS

A requisition from his Excellency, James Rhodes, Governor of Ohio, having been received demanding the return of William H. Cox, alias Frank Freshwaters, accused herein on a charge of having escaped from incarceration imposed as the result of his conviction of the crime of second degree manslaughter, and in accordance with the laws of the State of West Virginia, a hearing thereon was granted the accused and held in the Conference Room of the Office of the Attorney General on December 2, 1975, and for good cause shown, an additional hearing has been granted the accused. Said hearing will be held Thursday, January 15, 1976, at 10:00 A.M., in the Conference Room of the Office of the Attorney General, Room 26-E, State Capitol, Charleston, West Virginia, subject to the conditions hereinafter set forth:

Conditions

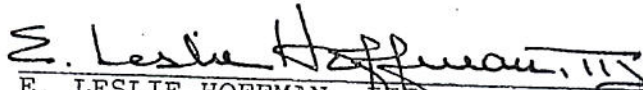
1. The accused shall appear in person and shall be entitled to be represented by counsel at said hearing.

2. The guilt or innocence of the accused may not be inquired into by the executive authority at the hearing.

3. At the hearing, sworn testimony by way of direct and cross-examination of the accused and of his witnesses and of the demanding state and its witnesses will be received and arguments of counsel may be heard either orally or by brief.

4. Notice to the accused of issuance of the Governor's warrant shall not be required in any case, but the accused or his attorney shall be promptly notified of the decision of the Governor rendered after said hearing.

DATED this the 6th day of January, 1976.


E. LESLIE HOFFMAN, III
ASSISTANT ATTORNEY GENERAL

Copies to:

Mr. Guy Bucci
Attorney at Law
Post Office Box 1671
Charleston, West Virginia 25326

Mr. Frank H. Gray, Superintendent
Ohio State Reformatory
Mansfield, Ohio 44901

The Honorable G. Kemp Melton
Kanawha County Sheriff
Kanawha County Courthouse
Charleston, West Virginia 25301

Mr. Parrish McKittrick
Attorney at Law
450 Sixth Street
St. Albans, West Virginia 25177

Mr. Robert L. Ratchford
Deputy Assistant to the Governor
Office of the Governor
Columbus, Ohio 43215

Ms. Audrey Toler
Extradition Secretary
Office of the Governor
West Wing, State Capitol
Charleston, West Virginia 25305



OFFICE OF THE
SHERIFF AND TREASURER

KANAWHA COUNTY
CHARLESTON, WEST VIRGINIA 25301

G. KEMP MELTON
SHERIFF & TREASURER

November 10, 1975

Mr. Frank H. Gray, Superintendent
Ohio State Reformatory
Mansfield, Ohio 44901

Re: FRESHWATERS, Frank Harold
aka/ COX, William Harold
LANCER, Frank Harold
OSR# 60 018 FBI# 347 301 C

Dear Mr. Gray:

I have received from you several letters concerning the above named subject and his extradition from the State of West Virginia back to the State of Ohio. I know nothing of this case or any of the particulars involving this fugitive.

On September 24, 1975, this subject's name was called to my attention through a letter received from you. I then discovered, after checking, that Trooper Bennett of the W.Va. Department of Public Safety had had a hearing on extradition of the subject. The subject refused extradition back to the State of Ohio on charges of second degree manslaughter.

It is my understanding that this offense occurred approximately 16 years ago. The subject is now out on bond. His attorney is John Carrico of Charleston, W.Va. It is my belief that authorities were here from Ohio concerning the hearing and conferred with Attorney Carrico. I understand that he again refused to waive extradition. I would advise you to contact Attorney John B. Carrico, Heck's Building, Charleston, W.Va., Phone (304) 344-9651.

Very truly yours,

Sgt. James F. Chadwick
SGT. JAMES F. CHADWICK
FUGITIVE OFFICER

JFC:ljr



STATE OF WEST VIRGINIA
OFFICE OF THE ATTORNEY GENERAL
CHARLESTON 25305

CHAUNCEY H. BROWNING, JR.
ATTORNEY GENERAL

RECEIVED
1975 NOV 13 AM 8:57
SUPERINTENDENT'S OFFICE
OHIO STATE REFORMATORY

NOTICE OF EXTRADITION HEARING

IN RE: EXTRADITION OF WILLIAM H. COX,
ALIAS FRANK FRESHWATERS

A requisition from his Excellency, James Rhodes, Governor of Ohio, having been received demanding the return of William H. Cox, alias Frank Freshwaters, accused herein on a charge of having escaped from incarceration imposed as the result of his conviction of the crime of second degree manslaughter, and in accordance with the laws of the State of West Virginia, a hearing thereon has been granted to the accused. Said hearing will be held in the Conference Room of the Office of the Attorney General, Room 26-E, State Capitol, Charleston, West Virginia, on December 2, 1975, at 10:00 A.M., subject to the conditions hereinafter set forth:

Conditions

1. The accused shall appear in person and shall be entitled to be represented by counsel at said hearing.
2. The guilt or innocence of the accused may not be inquired into by the executive authority at the hearing.

3. At the hearing, sworn testimony by way of direct and cross-examination of the accused and of his witnesses and of the demanding state and its witnesses will be received and arguments of counsel may be heard either orally or by brief.

4. Notice to the accused of issuance of the Governor's warrant shall not be required in any case, but the accused or his attorney shall be promptly notified of the decision of the Governor rendered after said hearing.

DATED this the 10th day of November, 1975.


E. LESLIE HOFFMAN, III
ASSISTANT ATTORNEY GENERAL

Copies to:

Mr. Guy Bucci
Attorney at Law
12 Capitol Street
Charleston, West Virginia 25301

Mr. Robert L. Ratchford
Deputy Assistant to the Governor
Office of the Governor
Columbus, Ohio 43215

Mr. Frank H. Gray, Superintendent
Ohio State Reformatory
Mansfield, Ohio 44901

Ms. Audrey Toler
Extradition Secretary
Office of the Governor
West Wing, State Capitol
Charleston, West Virginia 25305

The Honorable G. Kemp Melton
Kanawha County Sheriff
Kanawha County Courthouse
Charleston, West Virginia

March 19, 1976

Mr. Robert L. Ratchford, Jr.
Deputy Assistant to the Governor
Office of the Governor
Columbus OH 43215

Re: Frank Harold Freshwaters aka
William Harold Cox aka
Frank Harold Lancer
Escapee - Return from West Virginia

Dear Mr. Ratchford:

I have consulted with John Shoemaker, Chief of the Adult Parole Authority and with Mr. E. B. Haskins, Assistant Director of the Department of Rehabilitation and Correction on the proposal made by the Honorable Arch A. Moore, Jr. It appears that the Adult Parole Authority and the Department of Rehabilitation and Correction are reluctant to accept this proposal.

Therefore, I am unable to agree to withdrawal of the warrant, and I suggest you take whatever steps necessary to process our claim on escapee Freshwaters.

Sincerely,

Frank H. Gray
Superintendent

FHG:em