

## New trial ordered for man convicted in 1995 killing

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### Document Text

Private investigator brings witness to court attention

A private investigator's new information in a decade-old murder case convinced the 1st District Court of Appeals Tuesday to grant convicted killer Anthony McClain a new trial.

In the past, the appellate court has ordered murder cases reversed because of error, but McClain's case is thought to be the first sent back for a new trial based on new evidence.

McClain asked Hamilton County Common Pleas Judge Norbert Nadel to give him a new trial after a private investigator hired by his family found a witness to the shooting. Maxine Mobley told the investigator that she saw a tall, thin, young white man with blond hair running by and heard him say, "I shot (him)." McClain is black and shares none of the physical traits described by the new witness.

Although police talked to Mobley about Phillip White's fatal shooting, they never forwarded that information to the Hamilton County Prosecutor's Office. McClain's lawyer never learned of the information.

Since her 1995 statement to police and her 1998 revelation to the private investigator, Mobley has recanted, saying she was badgered into her statement. Her statement to police had been tape-recorded.

Nadel denied McClain's request, prompting the appeal. In a written decision in September, the judge noted that the case was unusual because McClain was educated, had a full-time job and no criminal record. But he said even with the new evidence, he did not think that a new trial would result in a different outcome.

"I am very pleased with the decision," Clyde Bennett, McClain's lawyer, said. "I believe an innocent man has spent years in prison for a murder he did not commit."

Assistant Hamilton County Prosecutor Ron Springman said his office will appeal the decision to the Ohio Supreme Court.

"We think we have the right guy," Springman said.

McClain, now 45, is serving a life term after being convicted of killing White, 17, in Evanston in June 1995. At the time, Cincinnati police said McClain shot White because he was upset that White had sold him fake cocaine.

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### Abstract (Document Summary)

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