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Court of Appeals Affirms Court's Ruling

16 Years Jail Time Credit Thrown Out

State v. Eugene Gall 1978-CR-602; 1978-CR-84

DAYTON, OH (04/29/2016) – Prosecuting Attorney Mat Heck, Jr. today announced that the Second District Court of Appeals has ruled that convicted serial murderer and child rapist Eugene Gall should not be credited with any time that the defendant was incarcerated in a Kentucky penitentiary towards his Ohio convictions and sentences.

This defendant has a long history of violent conduct. In 1972, the defendant was convicted for the 1970 rape and kidnapping of several young women in Warren and Butler counties and sentenced to 3-20 years in the Ohio Penitentiary. The Parole Board released this defendant in April, 1977.

Within six months of his release by the Parole Board, this defendant began a crime spree spanning two states and multiple victims.

The defendant committed a number of heinous and violent crimes, including rape, kidnapping and murder, in Montgomery and Greene Counties, and then kidnapped a twelve year old girl from Cincinnati and took her to Kentucky, raping and murdering her. He committed additional violent crimes in Kentucky, including shooting and injuring a police officer, for which he received an 11 year prison sentence. He was then sentenced to death for the rape and murder of the young girl from Cincinnati. Here in Montgomery County, he was convicted of the horrendous rape and murder of 14 year old Beth Ann Mote, after he kidnapped her one morning as she was walking to school in Oakwood, Ohio.

In Ohio, the defendant was convicted as charged in Montgomery and Greene Counties, and sentenced to 47-165 years to Life in prison.

The Kentucky death conviction and sentence was reversed in 2000 by the Federal 6th Circuit Court of Appeals. On November 13, 2001, the defendant was extradited to Ohio to begin serving his Ohio sentences.

In September 2013, the Parole Board sent a form letter to the Montgomery County Prosecutor's Office indicating that the defendant was eligible for, and was being considered for, parole. The Bureau of Sentence Computation, without any notice to our office, or any of the victims or survivors, gave and credited this defendant with 5,807 days of jail time credit for the time he spent in the penitentiary in Kentucky, thereby giving this rapist/murderer almost 16 years off his Ohio sentence.

On November 27, 2013, the Montgomery County Prosecutor's Office filed a "Motion for an Order Properly Calculating Jail Time Credit." On December 9, 2013 Common Pleas Court Judge Gregory Singer ordered that the defendant should receive zero days of jail time credit. On March 4, 2014, the defendant appealed Judge Singer's ruling. Today, the Court of Appeals agreed that the defendant is entitled to zero days of jail time credit for the time spent in the Kentucky prison.

Prosecutor Heck continued, "We are pleased with the Court's decision rendered today. The victims, as well as the survivors of the homicide, deserve to know that this defendant will spend the rest of his life locked up for the terrible, vicious and deplorable crimes that he committed. This defendant is clearly a dangerous person who needs to be incarcerated for the rest of his life and never released from prison."

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