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### **Seventh District Court of Appeals Upholds Conviction of Murderer, Bennie Adams**

**YOUNGSTOWN, Ohio (Friday, June 28, 2024)** On Thursday, June 27, 2024, the Seventh District Court of Appeals, again, upheld the murder conviction of Bennie Adams in a unanimous decision.

Defendant Bennie Adams was previously convicted and sentenced to death for the December 1985 murder of Gina Tenney. Adams was convicted of one count of Aggravated Felony-Murder, and a single, accompanying Death-Penalty Specification; to wit: that the victim Gina Tenney's murder was committed in the course of committing rape, aggravated burglary, aggravated robbery, and/or kidnapping. His death sentence was vacated by the Supreme Court of Ohio, and he was later sentenced to life imprisonment with parole eligibility after 20 years.

Adams filed a habeas petition in federal court on January 20, 2020. That petition raised a number of arguments that all were dismissed, except one. The sole remaining issue centered on the affidavit of one of the jurors. That affidavit alleged that jurors learned of Adams's prior rape conviction before the case was concluded. The affidavit alleged that, shortly after the jury decided to recommend the death penalty, a juror approached another juror and informed him that Defendant was serving a 17-year prison term for a prior rape conviction. The federal court ordered the trial court to hold a hearing pursuant to *Remmer v. United States*, 350 U.S. 377 (1956), to determine if any jurors learned of the prior rape conviction before the case had concluded, and if so, whether any jurors were biased because of that prior rape conviction.

The trial court held the *Remmer* hearing on June 12, 2023. During that hearing, the trial court heard from thirteen jurors, while two jurors were deposed; one remaining juror had passed away. Ultimately, the trial court found that Adams' prior rape conviction was not considered or even discovered during deliberations. The Court concluded the information about Adams was learned after the verdict was delivered, and the jury was officially discharged from its duties. For these reasons, the Court found the claims of juror bias are unsubstantiated. Accordingly, the trial court denied Adams's request for a new trial.



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Adams appealed that decision to the Seventh District Court of Appeals, which heard arguments on the matter on May 29, 2024, before releasing Its opinion on June 27, 2024.

The Court of Appeals found that the trial court's decision that none of the jurors were aware of Adams's prior rape conviction was properly made, and that Adams therefore received a fair trial when he was originally convicted. The State was represented by the Mahoning County Prosecutor's Office Chief Criminal Prosecutor, Ralph Rivera, and Assistant Prosecutor Edward A. Czopur. Adams was previously denied parole in 2021, and will not be eligible again until 2028.