



# SHERRI BEVAN WALSH

## SUMMIT COUNTY PROSECUTOR

For Immediate Release:

CONTACT: James Pollack

Phone: (330) 604-2739

[pollack@prosecutor.summitoh.net](mailto:pollack@prosecutor.summitoh.net)

X: @ProsecutorWalsh

Wednesday, December 6, 2023

## Convicted Rapist Samuel Herring's DNA Found on Victim's Clothes

AKRON, Ohio (Wednesday, December 6, 2023) – Summit County Prosecutor Sherri Bevan Walsh announced today that results of recent tests conducted by Ohio's Bureau of Criminal Investigations found DNA of Samuel Herring on several items of clothing worn by Phyllis Cottle when she was brutally attacked, blinded, and raped in 1984.

The test results showed Herring's DNA was found in the crotch area of Cottle's pants, cuttings of her pants, and on cuttings of her pantyhose. The DNA tested from Cottle's pantyhose was found to be a one in 1,000,000,000,000 (one-trillion) match to Samuel Herring.

This new review was conducted by the Summit County Prosecutor's Office Conviction Review Unit following a request made this past August by The Ohio Innocence Project on behalf of Samuel Herring. Herring made claims of an alternative suspect who was a serial rapist.

On March 20, 1984, Phyllis Cottle left the home improvement business where she worked when Herring approached her and forced Cottle into her car. While threatening her with a knife, Herring then drove Cottle to an abandoned home his family owned where he raped her. In an attempt to cover up the crime, with Cottle's hands and feet tied, Herring blinded Cottle by stabbing her in both eyes, set fire to the car, and left her to die. Incredibly, Cottle escaped and helped police identify Herring as her attacker.

--more--

Following the attack, Phyllis Cottle spent the rest of her life fighting for victims' rights. Cottle passed away in January of 2013 at the age of 73 following a battle with cancer.

"One in one-trillion – this is over. It horrifies me that Samuel Herring put Phyllis Cottle's family through this. He manipulated the people of The Ohio Innocence Project knowing full well he committed this crime," said Prosecutor Walsh. "Although this vicious and brutal attack happened nearly 40 years ago, the pain and suffering for the family of Phyllis Cottle is still fresh. I also want to thank the members of my Conviction Review Unit for their dedication to justice and diligence in reviewing this case."

The Summit County Prosecutor's Office Conviction Review Unit was created in 2019 to ensure fairness and confidence in the investigative, trial, appellate, and post-sentencing process for all persons criminally charged and convicted. In order for the Conviction Review Unit to conduct a preliminary review of a conviction, the following criteria must be met:

1. A conviction must be in the Summit County Court of Common Pleas.
2. To request a review of a conviction, the person must be incarcerated or still in prison.
3. There must be a claim of actual innocence or wrongful conviction.
4. New and credible evidence that could confirm or refute the conviction must exist.
5. The claim must not be frivolous. We take these applications seriously.
6. The petition must be submitted by the convicted person or their attorney.

Applications to have a case reviewed by the Summit County Conviction Review Unit can be found on the Summit County Prosecutor's Office website - <https://prosecutor.summitoh.net/pages/Conviction-Review-Unit.html>

Mark Godsey from the Ohio Innocence Project stated: "The Ohio Innocence Project is thankful to the Summit County Prosecutors' Office and the Conviction Review Unit for allowing DNA testing to proceed quickly in this case so that answers could be obtained without the matter being dragged out in the courts for years."

**PLEASE SEE ATTACHED DOCUMENT WITH STATEMENT FROM THE FAMILY OF PHYLLIS COTTLE**