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Convicted Murderer Timothy Simms Indicted for Bribing Witnesses with Wrongful Imprisonment Money

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CLEVELAND – Prosecutor Michael C. O'Malley announced that a Grand Jury has returned an indictment charging inmate Timothy Simms, 52, on two counts of Bribery – both felonies of the third degree. Simms is currently serving a Life sentence at Marion Correctional Institution (MCI) for the murder of Milton Whitlow in January 1995.

“Simms’ actions were a ploy to undermine the entire criminal justice system,” said Prosecutor O'Malley. “It is disgraceful actions like these that cause the public to lose faith in the system.”

On January 26, 1995, Simms and Whitlow, 34, attended a friend's birthday party at a Cleveland residence near E. 121st St. and Union Avenue. Simms and Whitlow got into an argument that resulted in a fight. While fighting, Simms pulled out a gun from a shoulder holster he was wearing, pistol-whipped Whitlow multiples times in the head, and fired three shots at the victim before fleeing the scene. The victim suffered two gunshot wounds – one in his chest that perforated his left lung and fractured multiple ribs, and another in his shoulder that exited his backhand and fractured his left arm. EMS personnel pronounced the victim deceased at the scene. Simms was arrested 15 days later at his girlfriend's home near Baldwin Rd and Woodland Avenue.

Simms was indicted on charges of Aggravated Murder and Having Weapons Under Disability, which stemmed from a previous Aggravated Drug Trafficking conviction.

During trial, Simms testified that after firing the first shot, he attempted to restrain the victim who kept punching him. The forensic evidence disproved Simms' story, however, as the first shot fractured Whitlow's arm and disabled it, which would have prevented him from punching Simms.

A witness in the house at the time of the shooting, who was also a friend of both the defendant and the victim, testified that she heard the victim begging for his life. That same witness and her

mother, who also was inside the house during the shooting, testified that they heard three shots fired and that a knife was not present at the crime scene, despite Simms claiming the victim possessed one. The jury returned a guilty verdict on the indicted charges and Simms was sentenced to Life in prison.

While incarcerated at MCI, Simms wrote letters to these witnesses and their family in July and September 2018. In these letters, he requested the witnesses to recant their testimony against him and fill out affidavits that he prepared so he could be released from prison. He mentioned that he would pay them using his wrongful imprisonment settlement money upon his release for their help.

In March 2019, these witnesses brought the letters to the attention of the Cleveland Police Department, who conducted further investigation. Simms remains incarcerated at MCI, but will be transported to the Cuyahoga County Jail for arraignment on the new charges. If convicted, Simms faces up to an additional six years in prison. Simms is up for parole consideration in December 2020.

Arraignment is scheduled for July 3, 2019, at 8:30am at the Cuyahoga County Justice Center.

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