

# **2018 Annual Report**



**R. Kyle Witt**  
**Fairfield County Prosecuting Attorney**

**January 31, 2019**

## Message from the Prosecuting Attorney

Thank you for your interest in the Fairfield County Prosecutor's Office. This marks the end of my second year as Prosecuting Attorney, and I am pleased to share with you the progress our office has made during that time.

The role of a prosecutor is to seek justice and uphold the law. To succeed in that mission, it takes hard work and determination from each of the 24 employees of the Prosecutor's Office. It also takes strong partnerships with law enforcement, fellow government officials, and community stakeholders. We are fortunate to have that here in Fairfield County.



Upon taking office in January 2017, we were confronted with some significant challenges. There was a backlog of more than 400 unaddressed adult felony cases, and it was incumbent upon us to repair the broken relationship that had existed with law enforcement. Our solution was two-fold and included both personnel shifts and policy changes. On the personnel side, we created a formal Grand Jury/Intake Unit to include a team of three attorneys and one legal assistant. This allowed us to work through the case backlog while still working with police to indict current cases coming through the door.

We also implemented policy changes designed to promote *sound* and *timely* charging decisions. First, we prioritized communication with law enforcement. An intake prosecutor personally meets with an arresting officer within hours following a warrantless field arrest to review the case and determine which charges are appropriate, and we have a prosecutor on-call 24/7 for law enforcement. Second, we authorized police to arrest drug offenders and present those cases for felony charges without first waiting for lab results. Charging felony drug offenses without confirmatory lab results creates additional hardships on our prosecutors, as the case cannot be tried without those results, but it means the offender will be supervised by the court, and ordered to seek treatment and maintain sobriety, while the case is pending. It also means the case moves forward instead of being placed on a shelf where it may languish indefinitely.

Finally, we enacted policy changes designed to promote efficiency within the Prosecutor's Office and the criminal justice system. Related misdemeanor charges are now included on felony indictments, negating the need for a second misdemeanor case to be filed (and the unnecessary use of taxpayer resources to prosecute it). We also coordinated with the courts to file felony complaints directly into the Fairfield County Common Pleas Court, as opposed to the Fairfield County Municipal Court, which has streamlined the felony complaint process and eliminated the delay and confusion that often accompanies the inevitable transfer of the case from one court to another once it is indicted by the grand jury. Within our Civil Division, files are now tracked and retained electronically utilizing the same Matrix software system used for our criminal cases, and we have contracted with several public entities in Fairfield County to provide legal counsel at a reduced cost to those agencies.

As a result of these changes, we successfully eliminated the case backlog within 18 months of taking office. We increased the number of felony case filings by **more than 50%**. Most importantly, police and prosecutors are working together to keep Fairfield County residents safe.

The future is bright for Fairfield County as we continue to see growth and prosperity at home and throughout the region. Here at the Fairfield County Prosecutor's Office, we are committed to seeking justice for all citizens, working hard every day to keep our communities safe, and seeing that the rule of law is upheld.

Thank you for the continued opportunity to serve as your Prosecutor. It is an honor and a privilege.

Sincerely,

R. Kyle Witt  
Fairfield County Prosecuting Attorney

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## **I. General Information**

### **A. Mission Statement**

Our mission is to serve the citizens of Fairfield County by pursuing justice, protecting the public against criminal activity, and providing timely and competent legal services to clients.

### **B. Hours of Operation**

We are open to the public from 8:00 A.M. to 4:00 P.M., Monday through Friday, except for recognized holidays. However, our personnel regularly meet with law enforcement officers, crime victims, witnesses, and clients by appointment during non-business hours to meet operational demands and better serve our constituents.

### **C. Personnel**

The Fairfield County Prosecutor's Office is comprised of three primary divisions: Adult Felony, Civil and Juvenile. We have 24 employees in total, including the Prosecuting Attorney, 13 assistant prosecutors, and ten administrative/support employees.

### **D. Role of the Prosecutor**

In Ohio, the county prosecutor is a minister of justice and a voice for crime victims. The prosecutor plays an integral role in public safety – working closely with police to pursue convictions for those guilty of a crime. In addition, the prosecutor serves as legal advisor to all county and township officials.

The prosecutor begins criminal casework once police have collected enough evidence to suggest a felony offense has been committed. The case is first presented to the grand jury on behalf of the State of Ohio, where only the prosecutor (or an assistant prosecutor), the grand jurors, and witnesses offering testimony are present. When the grand jury finds probable cause that a person committed the alleged offense, it votes to indict that person (now called a defendant), and the case proceeds to trial before the common pleas court.

At this stage, the prosecutor presents the case against the defendant in open court. Cases can be resolved in one of several ways: (1) by plea agreement reached between the prosecutor and the defense; (2) by jury verdict at the end of a trial; or (3) by the decision of the judge alone when the defendant decides not to have a jury hear the evidence (referred to as a "bench trial").

Throughout this process, prosecutors must balance their obligations as ministers of justice and advocates for crime victims with their ethical duty to pursue evidence that may exonerate a person accused of a crime or mitigate punishment. Prosecutors make sure victims are aware of court dates, the status of pending court cases, and the availability of appropriate community resources and services. Prosecutors also invite the input of crime victims and take their feelings

and wishes into account during the prosecution and resolution of the case against the defendant.



Prosecutors also recognize the importance of educating the general public, news media, local officials, and community stakeholders on the roles and responsibilities of their office. In addition, prosecutors are proactive supporters of community safety initiatives – especially for seniors, children and families.

## II. Adult Felony Division

### A. Criminal Investigations and Prosecutions

Pursuant to Section 309.08 of the Ohio Revised Code, the county prosecutor may inquire into the commission of crimes within the county, and he has the duty to prosecute, on behalf of the State of Ohio, all complaints, suits, and controversies in which the state is a party. This primarily includes prosecuting offenders who violate Chapter 29 of the Ohio Revised Code outlining criminal offenses.



### B. Personnel

In addition to the Prosecuting Attorney, the Adult Felony Division is staffed by six assistant prosecutors and three legal assistants. The Adult Felony Division is responsible for working with law enforcement officials to investigate, charge, and prosecute felony offenses occurring within Fairfield County. The Adult Felony Division also represents the State of Ohio on any subsequent post-conviction appeals.

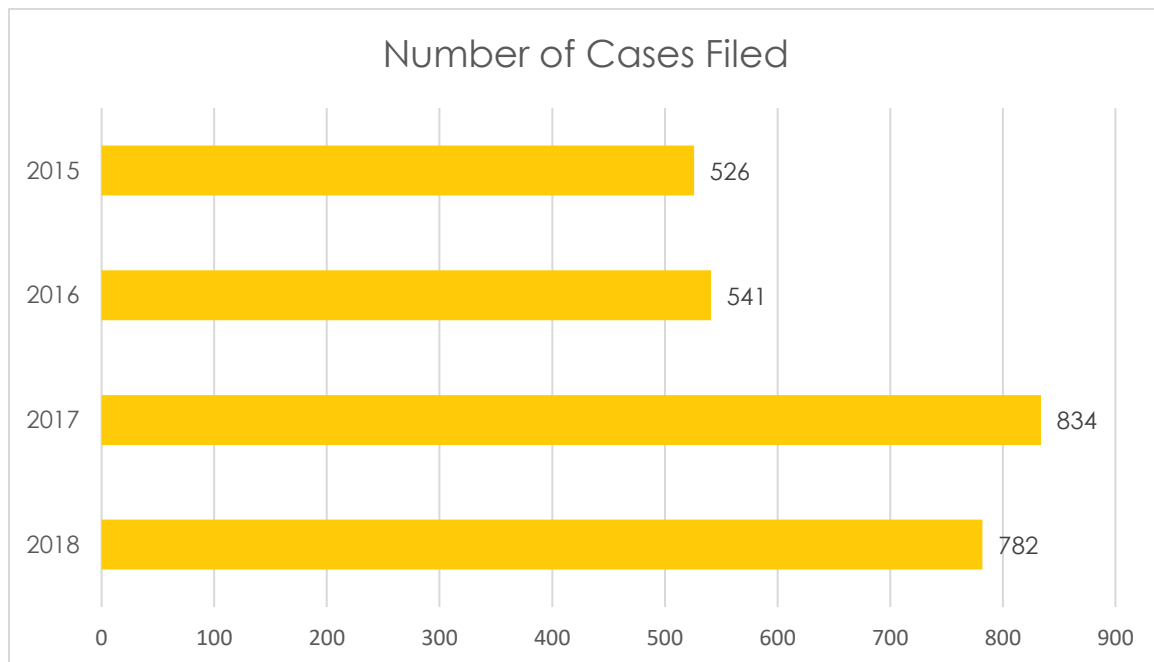


### C. Adult Felony Statistics

The number of adult felony cases filed by the Fairfield County Prosecutor's Office rose by 293 cases during the first year of the current administration, an **increase of 54%** over the prior year (see chart below). In most instances, each filed case represented a single arrest, event or investigation that resulted in an indictment by the grand jury. Some cases, however, included charges from multiple arrests and/or investigations involving the same defendant. This was more common in 2017 when the office would receive a "new" police referral naming a suspect who appeared as a suspect on a backlogged case.



In those instances, consistent with Ohio law, all charges involving the same defendant would be listed on the same indictment—even if those charges involved more than one event, investigation, or offense.



## D. Case Backlog



Upon taking office in January 2017, the current administration identified a backlog of more than 400 uncharged felony cases. Each case represented a criminal investigation that had been referred for prosecution, but upon which no formal action had been taken. Addressing this backlog was deemed a priority, and within 18 months all cases had been reviewed and an appropriate charging decision rendered pursuant to Ohio law. When the last backlogged case was charged

in August 2018, the employees of the Prosecutor's Office marked the occasion with a potluck lunch to celebrate.

## E. Notable Felony Cases and Convictions

The Fairfield County Prosecutor's Office partnered with law enforcement to prosecute and convict many serious and high-profile adult felony offenders during 2017 and 2018.

### OPERATION CRYSTAL CLEAR

In June 2017, police and prosecutors at the local and state level worked together to take down a large illicit drug operation in Fairfield County in what became known as "Operation Crystal Clear." Detectives from the Fairfield-Hocking-Athens Major Crimes Unit ("MCU") and the Central Ohio Drug Enforcement Task Force ("CODE"), with assistance from the Ohio Bureau of Criminal Investigations ("BCI"), spent months investigating, surveilling and ultimately arresting the ringleaders of the operation. The investigation was then referred for prosecution, and attorneys from the Fairfield County Prosecutor's Office and the Ohio Attorney General's Office presented the cases for indictment. Many of these cases are still pending before the Fairfield County Common Pleas Court.





## **2017 CONVICTIONS**



**Frankie N. Miranda, 37, of Lancaster, Ohio**

*Conviction Date:* 1/24/17

*Offense & Degree:* Improperly Discharging a Firearm at or Into a Habitation or School Safety Zone, F2, with gun specification

*Sentence:* Seven years prison

*Summary:* On February 4, 2016, Frankie Miranda threatened himself and neighbors with a newly purchased firearm. Police negotiators tried to convince him to surrender the gun and come out of the apartment peacefully, but eventually had to breach the apartment by force after confirming it was evacuated. SWAT officers used a gas irritant to force Miranda out of the building through the roof.



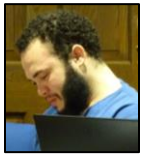
**Zachariah J. Vickroy, 28, of Baltimore, Ohio**

*Conviction Date:* 3/22/17

*Offense & Degree:* Aggravated Robbery, F1; Robbery, F2

*Sentence:* Six years prison

*Summary:* On April 4, 2015, a man reported to Lancaster Police that he had been pepper-sprayed and robbed by a man known only as "Shady." The victim later acquired the true name of his assailant, Zachariah Vickroy, and identified him in a lineup. Vickroy went to trial and was found guilty.



**Marielky Puello-Cruz, 24, of Reynoldsburg, Ohio**

*Conviction Date:* 5/9/17

*Offense & Degree:* Aggravated Murder, UF

*Sentence:* Imprisonment for life with parole eligibility after serving 20 full years

*Summary:* On November 27, 2016, Puello-Cruz fatally stabbed his wife with a kitchen knife following a night of drinking. Police responded to the apartment they shared with family members and found Puello-Cruz covered in blood and his wife gravely wounded in the kitchen. He would later plead guilty to the charge of Aggravated Murder.



**Rebecca N. Reid, 25, of Newark, Ohio**

*Conviction Date:* 5/19/17

*Offense & Degree:* Aggravated Vehicular Homicide, F2

*Sentence:* Seven years prison; lifetime driver's license suspension

*Summary:* On June 11, 2016, Rebecca Reid was driving down S.R. 37 when she crossed the center line and struck a motorcycle head-on. The motorcyclist did not survive, and Reid and her infant son were transported to the hospital for minor injuries. When troopers tried to interview Reid, she was lethargic, sleepy, and continued to doze off. A blood sample was taken which showed Alprazolam, a controlled substance, in her system at a level that would have impaired her ability to operate a motor vehicle.



**Christopher A. Stai, 44, of Lancaster, Ohio**

*Conviction Date:* 5/26/17

*Offense & Degree:* Aggravated Robbery, F1

*Sentence:* Six years prison

*Summary:* On November 26, 2015, Christopher Stai entered the BP Duke & Duchess in Lancaster and

pulled a knife on the clerk, demanding money and a pack of cigarettes. He fled before police arrived, but DNA on a mask was later matched to Stai. When confronted, Stai admitted to committing the robbery.



**Shawn W. Point, 29, of Newark, Ohio**

*Conviction Date:* 7/21/17

*Offense & Degree:* Involuntary Manslaughter, F1

*Sentence:* Four years prison

*Summary:* On September 13, 2015, a home health aide called the Fairfield County Sheriff's Office after finding a client dead in his apartment. A second male was reportedly at the scene but had left upon learning that man had died. Shawn Point was identified as the male who had left the scene, and the one who had provided the Fentanyl that had caused the overdose. Point was prosecuted in Franklin County for a similar overdose death that he facilitated.



**James J. Irwin, 36, of Pickerington, Ohio**

*Conviction Date:* 9/19/17

*Offense & Degree:* Rape, F1; Sexual Battery, F3 (4 counts)

*Sentence:* 18 years prison; Register as Tier III Sex Offender (lifetime)

*Summary:* Over many years, James Irwin groomed and engaged in sexual conduct with a minor, beginning before she was age ten and continuing into her teens. The victim bravely came forward and disclosed the abuse, which police were able to corroborate through an investigation that included recorded phone calls with the suspect.



**Jason E. Barnes, 31, of Lancaster, Ohio**

*Conviction Date:* 10/4/17

*Offense & Degree:* Felonious Assault, F2; Tampering with Evidence, F3

*Sentence:* Eight years prison

*Summary:* On December 4, 2016, Jason Barnes and his girlfriend met a man at a bar and drank with him. Upon leaving the bar, Barnes and his girlfriend followed the man home where Barnes viciously attacked and robbed him once he opened the front door.



**Jeron Durroh, 24, of Columbus, Ohio**

*Conviction Date:* 11/20/17

*Offense & Degree:* Aggravated Robbery, F1, with firearm specification

*Sentence:* Ten years prison



**James Durroh III, 24, of Reynoldsburg, Ohio**

*Conviction Date:* 12/19/17

*Offense & Degree:* Aggravated Robbery, F1, with firearm specification

*Sentence:* Seven years prison

*Summary:* On June 7, 2017, the Hill Road CVS in Pickerington was robbed at gunpoint. Police were able to track the gunman to a nearby hotel. They identified a vehicle in the parking lot registered to James Durroh's girlfriend, and inside was luggage with a "James Durroh" identification tag and a dark blue hoodie matching surveillance video from the robbery. A second vehicle was registered to James Durroh III which contained a silver handgun underneath the driver's seat that matched the one used in the robbery. Acting on an eyewitness tip, police later located and arrested James Durroh III, and it was

determined that Jeron Durroh was the getaway driver and had fled to Texas. After his arrest in Texas, Jeron Durroh was transported back to Ohio where he was convicted and sentenced.

## **2018 CONVICTIONS**



### **Cyrill Montgomery Jr., 18, of Pickerington, Ohio**

*Conviction Date:* 4/6/18

*Offense & Degree:* Felonious Assault, F2, with firearm specification; Improperly Discharging a Firearm at or into a Habitation or School Safety Zone, F2, with firearm specification; Discharge of Firearm on or Near Prohibited Premises, F3, with firearm

specification; Having Weapons While Under Disability, F3

*Sentence:* Eight years prison

*Summary:* On July 8, 2017, Pickerington Police responded to a neighborhood fight with reported shots fired. Police discovered that Cyrill Montgomery, Jr. had fired numerous shots at another man who was trying to flee the scene in a vehicle after Montgomery had pulled a gun. At least one shot penetrated a home across the street.



### **Matthew D. Scurlock, 35, of Stoutsville, Ohio**

*Conviction Date:* 5/14/18

*Offense & Degree:* Escape, F2

*Sentence:* Three (additional) years prison

*Summary:* On May 16, 2017, Matthew Scurlock and John Richards escaped the old Fairfield County Jail, now demolished, after exploiting a weakness with the lock mechanism of a cell door. Scurlock had set up a pickup time with a witness, stating that he had been released from jail. The witness did not believe Scurlock and reported his plans to the authorities. Scurlock was convicted and had three years added to his existing prison sentence.



### **Robert Brandon Valentine, 47, of Lancaster, Ohio**

*Conviction Date:* 5/18/18

*Offense & Degree:* Rape (5 counts), F1; Kidnapping (2 counts), F1; Gross Sexual Imposition (4 counts), F3; Disseminating Matter Harmful to Juveniles (4 counts), F4

*Sentence:* Imprisonment for life with no possibility for parole

*Summary:* Robert Valentine, child predator, used family friendships to gain access to young boys in order to groom them for sexual gratification. He trapped the boys, against their will, in various rooms of his house where he would rape and molest them, show them obscene videos and images, and threaten them if they told anyone. After one boy disclosed the abuse to a family member, police began investigating and identified a second victim. Valentine was convicted following a jury trial, during which the two boys bravely testified, and he was sentenced to multiple life sentences with no possibility of parole.



### **Brandy L. Hentrich, 33, of Lancaster, Ohio**

*Conviction Date:* 5/29/18

*Offense & Degree:* Aggravated Trafficking in Drugs, F1; Aggravated Possession of Drugs, F2; Possession of Hashish, F3; Possession of Cocaine, F5; Selling, Purchasing, Distributing, or Delivering Dangerous Drugs, F5; Drug Paraphernalia, M4; Marihuana Possession, MM;

**Marihuana Paraphernalia, MM**

*Sentence:* Six years prison

*Summary:* On November 3, 2017, Brandy Hentrich was ordered to provide a urine screen to Fairfield County Adult Probation after she had violated the terms of her probation. She tested positive for methamphetamine and marijuana. Probation officers called the Major Crimes Unit, who came to the scene to investigate the vehicle that Hentrich had driven to the government complex. After a K-9 deployment, a detective searched the car and found 37 grams of methamphetamine (more than 12 times the bulk amount), along with cocaine, marijuana, hashish, and drug paraphernalia.



**Daniel E. Queen, 70, of Lancaster, Ohio**

*Conviction Date:* 6/11/18

*Offense & Degree:* Rape, F1; and four counts of Gross Sexual Imposition, F3

*Sentence:* 21 years prison; Register as Tier III Sex Offender (lifetime)

*Summary:* In early 2018, multiple victims came forward and alleged that Daniel E. Queen, Sr., had sexually molested them as children. One victim made a controlled call to Queen, which police recorded, confronting him with the abuse and soliciting an apology from suspect. The call, combined with victim statements and other evidence, led to Queen's conviction.



**Bruce A. Mulkey, Jr., 35, of Lancaster, Ohio**

*Conviction Date:* 6/22/18

*Offense & Degree:* Rape, F1; Attempted Rape, F2 (two counts); Gross Sexual Imposition, F3 (three counts)

*Sentence:* 11 years prison; Register as Tier III Sex Offender (lifetime)

*Summary:* In Spring 2016, an investigation began into the sexual abuse of two boys under age ten at the hands of a family friend, Bruce Mulkey, Jr. Through forensic interviews, law enforcement discovered that Mulkey had molested the victims and attempted to buy their silence with gifts. Mulkey was convicted and sentenced to 11 years and must register as a Tier III Sex Offender for life.



**Nicholas Roark, 33, of Lancaster, Ohio**

*Conviction Date:* 7/17/18

*Offense & Degree:* Failure to Comply with Order or Signal of a Police Officer, F3; Vehicular Assault, F3; Vehicular Assault, F4; Vehicular Assault, F4

*Sentence:* Nine years prison; lifetime driver's license suspension

*Summary:* On August 13, 2017, Lancaster Police initiated a traffic stop on a black sedan driven by Nicholas Roark, who had an active arrest warrant. Roark fled at a high rate of speed, running a red light at Memorial Drive and Lincoln Avenue and striking a Dodge truck lawfully in the intersection. Several of the occupants of the Dodge truck were injured, as was Roark's passenger.



**Daniel E. Booth, 38, of Nelsonville, Ohio**

*Conviction Date:* 7/31/18

*Offense & Degree:* Kidnapping, F1, with firearm specification; Having Weapons While Under Disability, F3; Aggravated Possession of Drugs, F5

*Sentence:* Seven years and nine months prison

*Summary:* On April 21, 2017, Daniel Booth held a Lancaster woman against her will at gunpoint after she



agreed to give him and a mutual friend a ride. The friend jumped out of the moving vehicle to escape Booth, while the driver (victim) remained a hostage for approximately two hours. She was liberated when police stopped the vehicle for a traffic violation. Police found that Booth possessed a firearm and was high on drugs.



**Kenneth Ray Caulley, 38, of Thornville, Ohio**

*Conviction Date:* 8/16/18

*Offense & Degree:* Aggravated Vehicular Assault (2 counts), F2; Vehicular Assault (2 counts), F3; OVI, M1; Possessing Drug Abuse Instruments, M1; Drug Paraphernalia, M4; Failure to Reinstate a License, UM; Robbery, F3

*Sentence:* Eight (8) years prison; 10-year driver's license suspension

*Summary:* On August 29, 2017, Reynoldsburg Police responded to a multi-car accident on S.R. 256 at Taylor Road. They discovered that Kenneth Caulley had crashed a stolen vehicle into several cars stopped for a traffic light. Police found alcohol, heroin, and drug paraphernalia in Caulley's vehicle, and he admitted to drinking and using heroin just prior to the crash. While being treated by medics, Caulley tried to steal an officer's gun and struck an officer in the process. Subsequent tests of Caulley's blood and urine showed alprazolam, morphine, and alcohol in his system.



**Mark S. Waibel, Jr., 35, of Thornville, Ohio**

*Conviction Date:* 8/27/18

*Offense & Degree:* Unlawful Sexual Conduct with a Minor, F2 (2 counts); Gross Sexual Imposition, F4 (3 counts)

*Sentence:* 12.5 years prison

*Summary:* In early 2017, Mark Waibel, Jr., admitted to his wife that he had fondled her 15-year-old daughter's breast while masturbating in front of her. He was convicted and sentenced to serve a prison term of 12.5 years, and he must register as a Tier III Sex Offender for life.



**Marquice R. Middlebrook, 28, of Columbus, Ohio**

*Conviction Date:* 10/9/18

*Offense & Degree:* Robbery, F2, with gun specification

*Sentence:* Eight years prison

*Summary:* On April 17, 2018, Marquice Middlebrook barged through the front door of a Pickerington home and robbed the homeowner at gunpoint. In the process, he stole her prescription medication and threatened to shoot the victim's young daughter. He was stopped and arrested by police while driving away from the scene shortly thereafter.



**Christopher S. Beightler, 32, of Lancaster, Ohio**

*Conviction Date:* 10/29/18

*Offense & Degree:* Having Weapons While Under Disability, F3; Aggravated Trafficking in Drugs, F1, with firearm specification

*Sentence:* Nine years prison; \$20,000 fine; forfeiture of firearms and \$4,000 currency

*Summary:* On February 21, 2018, the Fairfield-Hocking-Athens Major Crimes Unit, together with the Lancaster Police Department, executed an arrest warrant on a drug dealer nicknamed "Ghost" (aka Beightler) on Sells Road in Lancaster. As police closed in, Beightler tossed a large bag into the bushes,

which was later discovered to be more than 100 grams of methamphetamine. Police also seized 400 oxycodone tablets, multiple firearms, and \$4,000 in currency.



**Jeffery L. Mason, 35, of Lancaster, Ohio**

*Conviction Date:* 12/11/18

*Offense & Degree:* Aggravated Robbery, F1, with firearm specification; Aggravated Possession of Drugs, F5 (two counts); Tampering with Evidence, F3; Escape, F5; Improperly Handling of Firearms in a Motor Vehicle, F4; Operating a Vehicle Under the Influence of Alcohol and/or Drug of Abuse, M1

*Sentence:* Seven years 11 months prison

*Summary:* In June 2017, a masked gunman forced entry into the Lancaster VFW through a rear door and ordered an employee into the walk-in cooler, stealing the cash and proceeds from the prior night's sales. Lancaster Police would later link DNA found on a cigarette butt at the scene to Mason, who had been charged with similar robberies in Perry and Hocking Counties. Mason was already facing charges arising out of a traffic stop where he was found to be under the influence of drugs and illegally transporting a firearm. Mason pled guilty and was sentenced to nearly eight years in prison, which the judge ordered he serve consecutive to the prison terms imposed in Perry and Hocking Counties.



**Sonny Minshall, 30, of Lancaster, Ohio**

*Conviction Date:* 1/22/19

*Offense & Degree:* Murder, UF, with firearm specification; Having Weapons Under Disability, F3; Tampering with Evidence, F3; Discharge of Firearm on or Near Prohibited Premises, F3

*Sentence:* Life imprisonment with no possibility for parole for 27 years

*Summary:* On February 25, 2018, Sonny Minshall used a semi-automatic rifle to shoot his girlfriend as she attempted to leave the Casa Grande Motel in Lancaster. Police responded to the scene and found Minshall lying in the parking lot, in the pouring rain, screaming and wailing with the rifle mere feet away. Minshall was immediately taken into police custody, and he was ultimately convicted and sentenced to life in prison with no possibility of parole for 27 years.



### III. Civil Division

#### A. Civil Representation

In addition to prosecuting criminal cases, the Prosecutor's Office serves as legal advisor to various county officials, boards, and commissions. This involves not only litigating civil suits on behalf of Fairfield County, but also providing legal opinions and counsel to clients regarding the operation of county agencies and departments.



The Prosecutor's Office represents and advises all elected county officials, including the Board of Commissioners, Clerk of Courts, Auditor, Coroner, Engineer, Recorder, Sheriff, Treasurer, and all Fairfield County Judges, as well as various other Fairfield County agencies, boards, and departments. Additionally, the Prosecutor's Office represents the elected officials for all thirteen Fairfield County townships. The Prosecutor's Office also collects delinquent real estate and personal property tax monies on behalf of the Fairfield County Treasurer.

The work of the Prosecutor's Office as legal advisor to statutory and contractual clients is largely accomplished through the attorneys of the Civil Division, who regularly attend and participate in public meetings held by the Board of County Commissioners, the Park Board Commissioners, the Board of Revision, the Budget Commission, the Fairfield County Land Reutilization Corporation, and the various township trustee meetings. Civil Division attorneys also attend meetings with the ADAMH Board, Board of Development Disabilities, Township Boards of Zoning Appeals, and Township Zoning Commissions.

#### B. Written Opinions

Pursuant to Section 309.09(A) of the Ohio Revised Code, any client represented by the county prosecuting attorney "may require written opinions or instructions from the prosecuting attorney in matters connected with their official duties." Accordingly, Civil Division attorneys will research and issue a formal written opinion letter, on behalf of the Prosecuting Attorney, in response to a legal inquiry from a client. More frequently, attorneys will informally advise clients on matters of law by email and telephone. The Prosecutor's Office issued seven formal opinion letters in 2017 and three in 2018.

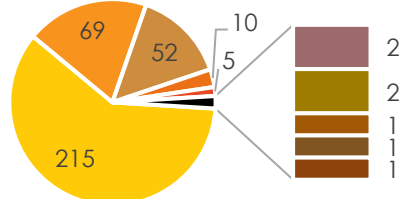
### C. Contracts

The Prosecuting Attorney's Office regularly reviews and approves contracts as to legal form prior to execution by clients. Beginning in 2017, Fairfield County began using the Commissioners' Resolution Management System (CRMS) to efficiently review contracts being considered by the Board of Commissioners, the main contracting authority for Fairfield County. The Prosecutor's Office continues to review contracts outside of CRMS for clients not included in the Commissioners contracting authority.

In 2017, the Prosecutor's Office reviewed 358 contracts, the bulk of which were executed by the Board of County Commissioners. Significant numbers of contracts were also reviewed for the Fairfield County Board of Developmental Disabilities and the Fairfield County ADAMH Board.

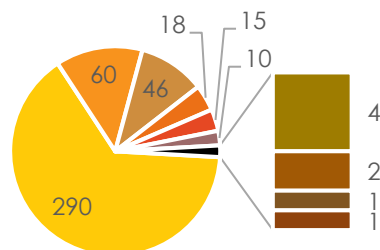
In 2018, the Prosecutor's Office reviewed 447 contracts. The bulk of the contracts continue to come from the Board of Fairfield County Commissioners, the Fairfield County Board of Developmental Disabilities, and the Fairfield County ADAMH Board.

#### Contracts Reviewed in 2017



- Fairfield County Board of Commissioners (CRMS)
- Fairfield County Board of Developmental Disabilities
- Fairfield County ADAMH Board
- Violet Township Trustees
- Fairfield County Department of Health
- Fairfield County Board of Elections

#### Contracts Reviewed in 2018



- Fairfield County Board of Commissioners (CRMS)
- Fairfield County Board of Developmental Disabilities
- Fairfield County ADAMH Board
- Fairfield County Board of Park Commissioners (Historical Parks)
- Fairfield County Department of Health
- Violet Township Trustees

#### **D. Foreclosures**

In 2017, in cooperation with the Fairfield County Treasurer's Office, the Prosecutor's Office initiated 57 foreclosures to collect delinquent real property taxes covering 160 parcels of land. As a result of these filings, \$129,052 was collected on behalf of the Treasurer's Office. A further eight parcels were handed over to the Fairfield County Land Reutilization Corporation to be razed and the land returned to productive use.

In 2018, 54 foreclosures were initiated to collect delinquent real property taxes covering 71 parcels of land. As a result of these filings, \$841,458 was collected on behalf of the Treasurer's Office. A further 33 parcels were handed over to the Fairfield County Land Reutilization Corporation to be razed and the land returned to a productive status.

**\$970,510**

in delinquent taxes collected in 2017 and 2018. This money goes to support the taxing subdivisions of Fairfield County, primarily local schools but also parks, senior services (including Meals on Wheels), and other Fairfield County operations.

**41 parcels**

were transferred to the Fairfield County Land Reutilization Corporation (known as the "Land Bank"). The Land Bank used grant dollars to demolish dilapidated structures on these parcels and otherwise clean up the parcels, thereby improving the neighborhood. The parcels will eventually be sold off to new owners, split between adjoining owners, or donated to government entities or non-profits.

#### **E. Trainings**

The Prosecutor's Office regularly conducts trainings for clients and Fairfield County employees. Our civil attorneys have likewise presented to outside civic and community groups on topics of interest touching upon the work of the Prosecuting Attorney. Over the last two years, attorneys from the Civil Division made presentations during the Board of Commissioners' CRMS training, the Fairfield County Leadership Conference, and the Fairfield County Regional Planning Commission's Annual Township Training. Presentations were also made to the Ohio Clerk of Courts Association, the Ohio County Auditor's Association, the Ohio Township Association, Pickerington City Schools, and the Lancaster Kiwanis Club.

#### **F. New Clients**

In 2017, the Prosecutor's Office contracted with the Fairfield County Park District for legal

representation. It now handles most of the legal and transactional matters that the agency encounters, including contracts, real estate acquisitions, and employment issues. In late 2018, the Prosecuting Attorney began negotiations to represent the Fairfield County Airport Board. Once the contract is approved, the Airport Board will become the third contractual client of the Fairfield County Prosecutor's Office.

## **G. Townships**

Township trustees are on the front lines of provided critical services to the citizens of Fairfield County. Under the current administration, the Prosecutor's Office has prioritized the delivery of legal services to Fairfield County townships. Civil Division attorneys regularly attend township meetings throughout Fairfield County to render legal advice and counsel, and consultations are encouraged on transactional, employment, zoning, and other matters. The Prosecutor's Office, and the attorneys of the Civil Division, takes pride in being accessible to all township trustees and this trend will continue in 2019.

## **H. Requests for Public Records**

In Ohio, a public agency's records are the property of the people and, unless privileged or exempted, open to inspection. The Fairfield County Prosecutor's Office values transparency and prioritizes timely responses to requests for public records. That is why, starting on January 1, 2017, the Prosecutor's Office started maintaining a public records request log to document when a public records request is received and satisfied.

The Prosecutor's Office responded to 15 public records requests in 2017, and 22 public records requests in 2018.

The Prosecutor's Office also reviews and responds to public records requests submitted to other clients. Such activities range from the legal review of two or three records, to the legal review of 1000-1200 records per request.

## **I. Litigation**

The Prosecutor's Office represents Fairfield County in cases pending in various courts at both the state and federal level, including the Ohio Supreme Court and United States Supreme Court. Some of the cases that the Office has litigated over the past two years include:

- 1) *Morgan et al. v. Fairfield County et al*, Case No. 2:15-cv-01505 filed in the United States District Court, Southern District of Ohio (pending);
- 2) *Canter v. Fairfield County Ohio and Fairfield County Board of Commissioners, et al*, Case No. 2:17-cv-00106 filed in the United States District Court, Southern District of Ohio (resolved);

- 3) *Jane Doe v. Jared Garen, et al.*, Case No. 2:17-cv-00837, filed in the United States District Court, Southern District of Ohio (resolved);
- 4) *Pippin v. Reynoldsburg, Fairfield County Ohio, and Fairfield County Prosecutor*, 2:17-cv-00598, filed in the United States District Court, Southern District of Ohio (dismissed);
- 5) *Henderly v. Fairfield County Sheriff Dave Phalen and Fairfield County Board of Commissioners*, 2017 CV 833, filed in Fairfield County Court of Common Pleas (pending);
- 6) *Howard v. Shaner, et al.*, 2017 CV 00445, filed in Fairfield County Court of Common Pleas;
- 7) *James Curtis: George v. Fairfield County Auditor, et al.*, 2018 CV 00149, filed in Fairfield County Court of Common Pleas (dismissed);
- 8) *Fairfield County Board of Commissioners v. Franklin County Board of Commissioners, et al.*, Case No. 2016 CV 00277, filed in Fairfield County Court of Common Pleas (pending);

## IV. Juvenile Division

### A. Juvenile Prosecution

The Juvenile Division of the Fairfield County Prosecutor's Office litigates a variety of matters involving children in Fairfield County. Most notably, the Juvenile Division prosecutes criminal and traffic violations when the alleged offender is a juvenile (commonly known as "delinquency" cases), as well as matters involving unruly youth and school truancy. The Juvenile Division also prosecutes adult offenses that fall under the exclusive jurisdiction of the Fairfield County Juvenile Court



(e.g., Failure to Send Youth to School and Contributing the Delinquency of a Minor). Finally, the Juvenile Division works with Fairfield County Protective Services officials to intervene for the welfare and protection of abused, neglected, and dependent children.

## **B. Changing Philosophy of Juvenile Prosecution**

Protecting the community and personal accountability remain cornerstones to our mission and approach to juvenile prosecution. However, research indicates that a one-size-fits-all model of traditional prosecution, followed by court probation, is not only ineffective in certain instances, but it can lead to higher rates of recidivism.

Recognizing that every child is unique, with different needs and abilities, the Prosecutor's Office is working with the Fairfield County Juvenile Court to better screen juvenile offenders to determine the most appropriate path forward. In some instances, particularly when the juvenile is a repeat offender and is found to be at high-risk to reoffend, a traditional path of prosecution followed by intensive supervision and probation is appropriate. However, if the juvenile is a first-time offender and at a low-risk to reoffend, diversion may be best path.

The programming offered by the Juvenile Court is evidence-based, and it is designed to develop and bolster youth competencies in five major skill areas:

1. Pro-Social Skills – to address conflict resolution and anger management;
2. Moral Reasoning Skills – that focus on connecting thoughts and actions, resulting in socially acceptable ways of thinking and behaving;
3. Academic Skills – including the strengthening of basic proficiencies in reading, writing, math, and study skills;
4. Workforce Development – focusing on acquiring a skill, and obtaining/maintaining a job;
5. Independent Living – enabling youth to be better prepared for adulthood.

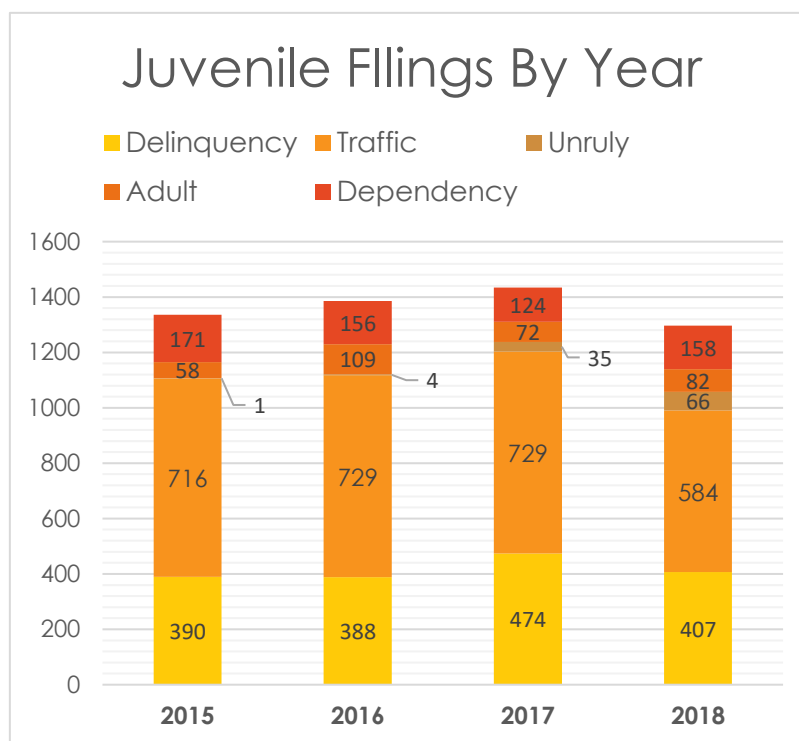
## **C. Diversion and the Juvenile Offender**

The Diversion Accountability Program was implemented in Fairfield County for youth offenders in 2015, and it continues to be a success. The program is offered as an alternative to formal prosecution for first-time juvenile offenders, accused of committing low-level offense(s), who are deemed to be low or moderate risk of reoffending. Rather than appearing at court, with an attorney and before a judge, the juvenile meets with a diversion officer and is required to sign a document accepting responsibility for the offense and must complete diversion-related programming put in place by the diversion officer. This process not only forces accountability for the juvenile for the offense already committed, but it connects the child with services and promotes future accountability while still part of the diversion program.



## D. Statistics

There was a modest rise in the number of juvenile prosecutions in 2017 and 2018. Given the success of the Diversion Program instituted by the Juvenile Court, it is anticipated that the number of traditional prosecutions will remain constant, or even decline slightly, in future years as law enforcement, prosecutors, and intervention specialists continue to screen appropriate candidates for diversion over traditional prosecution.



## E. Specialized Trainings and Community Outreach

The Prosecutor's Office recently participated in the "School-Justice Partnerships and Diversion Pathways Certificate Program" held at Georgetown University in Washington, D.C. The program was a collaborative effort between the court, prosecutors, protective services agencies, and local schools to help reduce the use of exclusionary discipline, reduce referrals into the juvenile justice system, and ultimately increase student/youth success in the community. Additionally, the Prosecutor's Office has partnered with the courts and law enforcement to offer cyber-safety training to youth and families in Fairfield County.

## V. Goals for 2019

1. Develop standard sentencing entry for use in adult felony cases to expedite filing and minimize post-sentence jail incarceration costs
2. Solicit law enforcement, court, and community feedback regarding the development of a diversion program for first-time adult offenders who are at a low-risk of recidivism
3. Partner with the Fairfield County Juvenile Court to create and implement a program designed to address and deter juvenile "sexting" offenses
4. Sponsor and host a law enforcement training seminar on interviewing and interrogations
5. Negotiate long-term contracts with non-statutory civil clients

## Directory

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Dawna Jones, Public Inquiries Assistant

Scott Hargrove, Investigator

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