



THE PROSECUTOR

a newsletter from

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CHILD BEATING CASE ENDS WITH GUILTY

A Dayton couple who fled to Tennessee after the woman's 10 year old son was found wandering alone near his residence, bleeding from head wounds inflicted with a hammer, have plead guilty to several felony charges each and have received lengthy prison sentences. Stanley Lacefield received a 25 year sentence from Judge Barbara Gorman after admitting that he struck the boy with a hammer and beat him with a knotted-up extension chord. Lacefield also admitted forcing the child to live in a kitchen cupboard. The child's mother, Cicily Mason, also plead guilty to several charges for her role in allowing the abuse to occur. She received a sentence of 8 years in prison.

Mason's 10 year old son was found outside his residence last October by neighbors who called Dayton Police

after discovering serious head wounds as well as other evidence of beatings on the boy's body. The young boy told police investigators that he had been forced to live in a kitchen cupboard by his step-father but had managed to escape the locked apartment.

“This young boy did what he had to do to survive. He is certainly a hero because he stood up to this terrible abuse...”

- Prosecuting Attorney Mat Heck, Jr.

He told the police that his younger sister had been forced to live in a closet in the home and he was concerned about her

safety.

Dayton Police learned that Lacefield and Mason had fled the Dayton area just prior to the discovery of the young boy. A nationwide arrest warrant was issued and the case was featured on “America's Most Wanted” the next week. Lacefield and Mason were arrested outside of a homeless shelter in Memphis, Tennessee within minutes of the airing of the show after residents of the homeless shelter recognized the couple and called the police.

This case was prosecuted by the Child Abuse Bureau of the Prosecutor's Office. All three children in the family are living with foster families and are in the custody of Children Services. Child Abuse Bureau Assistant Prosecuting Attorney Julie Kraft reports that the children are “doing great” but notes the

REAL ESTATE BROKER INDICTED ON 40 FELONY COUNTS

The Fraud and Economic Crimes Division of the Prosecutor's Office has indicted Krishan Chari, a local real estate broker, on forty felony counts. The indictment includes a state racketeering charge at the highest felony level possible in Ohio, as well as other serious felony charges including the forgery and negotiation of a \$5 million check. Chari was originally indicted for 19 felony counts but after investigation revealed he was continuing to commit

crimes while on bond, a new indictment was issued and his bond was revoked. Chari's alleged illegal real estate transactions have jeopardized the financial stability and threatened the survival of at least one local title company. Chari faces a maximum sentence of 169 years in prison if convicted on all counts. George Patricoff, Chief of the Fraud and Economic Crimes Division of the Prosecutor's Office, warns consumers to be wary. “The market for real estate has

become complex with a wide variety of innovative financing options available to consumers. It is important to do your homework when financing your home,” Patricoff emphasizes. He stresses that you must make sure you are dealing with a reputable real estate broker and mortgage company. “The lowest rate is not always the best rate,” Patricoff warns. While most realtors and brokers are honest, he suggests you check with the Dayton Area Board of Realtors and the Better Business Bureau before

“DEAD BEATS” ARRESTED IN SWEEP

Felony charges of Non-Support of Dependents have been filed in Dayton Municipal Court by Investigators with the Support Enforcement/Paternity Division of the Montgomery County Prosecutor's Office. Warrants for the arrest of a total of 15 of the most delinquent “Dead Beats” in Montgomery County were issued and 7 of those individuals were arrested on April 14 by Prosecutor Investigators. The remaining 8 have been encouraged by Prosecutor Mat Heck to turn themselves in to local police authorities or face being arrested.

These 15 defendants all have had numerous opportunities in either Domestic Relations Court or Juvenile Court to meet their child support obligations. Each has been held in contempt of court repeatedly for failing to make regular payments. All owe significant back payments ranging from \$9,000 to \$62,000. Together, the 15 owe in excess of \$325,000 to the custodial parents. Prosecutor Mat Heck

emphasized that these individuals are capable and able to work but simply refuse to meet their child support obligation. “We would rather not have to take these steps but these defendants have left us with no choice. They simply refuse to support their children and that attitude will not be tolerated,” Heck said. Heck noted that these are the first batch of delinquent parents to be prosecuted in Montgomery County but they will not be the last. “My staff is reviewing every case in our files. Those who can pay but simply refuse will be prosecuted,” he said.

The arrested defendants were arraigned in Dayton Municipal Court and bond was set in the amount they owe. Mat Heck urged those parents who owe child support and who are behind in their payments to call 225-5668 to discuss their case. “We want to help those who want to help themselves.” Heck said. “Call us and we'll review your case with you. The most important thing is that you make

Conviction in Burglary case reinstated by Ohio Supreme Court

The Supreme Court of Ohio has sent a convicted burglar from Montgomery County back to prison to serve his sentence. In doing so, the court ruled that a wife who has left her husband and has established a separate residence has the power to bar her husband from her new home.

In 1997, a jury in Montgomery County convicted the defendant of burglarizing his wife's apartment, which she had rented when she left him. He was sent to prison, but the 2nd District Court of Appeals freed him, finding that the wife, who had not yet divorced her husband nor obtained a restraining order against him, had no power to prevent him from entering her apartment.

The Montgomery County Prosecutor's Office appealed this decision to the Supreme Court of Ohio. After reviewing written briefs and hearing oral arguments from the

attorneys in the case, the Supreme Court overturned the Court of Appeals decision and ordered the defendant returned to prison.

In making its ruling in this case, the Supreme Court held that the purpose of the burglary law is to protect the person who dwells in the residence. A person who has custody and control of a house or apartment has the power to prohibit anyone, including his or her estranged spouse, from entering the residence. In this case, the defendant, the estranged husband of the victim, had no right to enter the victim's residence without her permission. When he did so, and then stole property from her residence, he



CRIMINAL DIVISION TRAINING LUNCHEONS PROVIDE INSIGHTS, LIVELY DEBATE

Bi-monthly training luncheons for Assistant Prosecutor's in the Criminal Division of the Prosecutor's Office provide an opportunity for staff members to hear from outside speakers and to share ideas and experiences with each other in a relaxed, luncheon setting. The luncheons have been held since last fall and have been very successful. Speakers from the Miami Valley Crime Lab, Children's Medical Center, the Montgomery County Clerk of Courts, and other criminal justice related groups have focused each training session on a specific aspect of prosecution.

In addition to an opportunity to learn, the luncheons give assistant prosecutors a chance to share their experiences in the courtroom and in preparation for trial. This is especially important for young assistants who look to the senior attorneys in the office for direction and advice. Questions of legal interpretation can lead to spirited debates among the more outspoken participants.

Prosecuting Attorney Mat Heck, Jr. makes a point of attending these training sessions. Heck, who earned a reputation as an aggressive trial prosecutor before being elected in 1992, enjoys the discussions and the interchange of ideas and courtroom strategies. “These luncheons address basic questions of how to prepare a case for trial, how to interview a witness, how to handle an uncooperative witness, and how to pick a jury, among other issues.” He adds that the senior attorneys on his staff have thousands of hours of experience on these topics and on everything else related to trying a criminal case. “Their observations and experiences are invaluable to the younger attorneys” Heck notes.

Prosecutor Heck also likes the spontaneity of these luncheons. “The

NATIONAL COLLEGE OF DISTRICT ATTORNEYS NAMES MAT HECK

Mathias H. Heck, Jr., Montgomery County Prosecuting Attorney, was recently named to the Board of Regents of the National College of District Attorneys. The National College of District Attorneys, an arm of the National District Attorneys Association, is dedicated to providing professional training for federal, state and local prosecutors at the National Advocacy Center, a state of the art training facility located on the campus of the University of South Carolina, in Columbia. Prosecutors and their assistants come from throughout the United States to attend classes and workshops, which are designed to make each attendee a stronger advocate for the rights and safety of the people of his or her state. The National District

Attorneys Association, not the local prosecutor's office, pays the tuition and travel expenses for each attendee.

Several of Mr. Heck's assistants have attended seminars sponsored by the National College of District Attorneys at the National Advocacy Center, most recently, Carley Ingram, Chief of the Appellate Division, and John Amarante of the Juvenile Division. Both were required to submit briefs several weeks before the course began as a condition of attending. The course itself consisted of critiques, classes, practice arguments and discussions, led by some of the country's most prominent and accomplished prosecutors and judges. Although the four day course was demanding, both Ms. Ingram and Mr. Amarante report that this was one of the most valuable seminar they have

WELFARE THEFT DIVISION CLOSSES OPERATION AFTER 20 YEARS

Twenty years after its creation to identify and investigate welfare fraud in Montgomery County, the Welfare Theft Division of the Montgomery County Prosecutor's Office has been disbanded due to a major reduction in welfare theft complaints. Over the past 20 years, the investigators of the Welfare Theft Division have submitted over 2,200 cases for prosecution and have uncovered over \$18 million in welfare fraud. Working in cooperation with state and local law enforcement authorities, the Welfare Theft Division investigators have focused on cases involving undocmented men living in the homes of welfare recipients. The income provided by those men was never figured into the household budget by the Department of Human Services resulting in greater welfare benefits than the amount to which the recipients were entitled.

Gary Ware, Director of the Welfare Theft Division, notes that the program here in Montgomery County served as a model for similar operations throughout the United States. Ware, a past president of the United Council on Welfare Fraud, worked with law enforcement and human services agencies throughout the United States on effective methods for identifying and prosecuting welfare theft offenders.

Prosecuting Attorney Mat Heck, Jr. made the decision to disband the operation in January after 2 consecutive years of declining referrals for investigation. "It would appear that the Welfare Theft Division did its job too well" Heck said. He noted that the number of cases referred for investigation had dwindled to just a handful.

Several investigators from Welfare Theft have joined the Child Support Enforcement Division of the Prosecutor's Office. They are focusing their efforts on identifying and investigating parents

HOUSE PASSES CHILD ABUSE

The U.S. House of Representatives has passed the Child Abuse Prevention and Enforcement Act by a vote of 410-2. The legislation allows state grants under the Technology Act of 1998 to be used for programs to improve the capability of the criminal justice system to deliver timely, accurate, and complete criminal history information to child welfare agencies. The bill also allows state law enforcement grants (Byrne Grants) to be used for enforcing child abuse and

neglect laws, to promote programs to prevent child abuse and neglect, and to establish cooperation between law enforcement and media organizations to disseminate information useful in identifying criminal offenders. Finally, the law sets aside funds through the Victims of Crime Act of 1984 to be awarded to victims of child abuse.

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SECRETARIES DAY COOKOUT PLANNED

For the second year in a row, Prosecutor Mat Heck and his administrative and management teams will be cooking hotdogs and hamburgers and serving lunch to secretarial and support staff personnel from the Prosecutor's Office. The event, scheduled for May 3, was a big success

last year. "This event is just a small token of our appreciation for all the hard work our secretaries and support staff do each and every day. They serve us and this community every day of the year so I think they deserve to be served a lunch by all of us who depend on them so much." Heck said. Heck will personally

“Gang Initiative” by Prosecutor’s Office seeks cooperative, unified response to criminal gangs.

Recent arrests of juveniles suspected of plotting to commit a gang related murder have focused the community’s attention on the possible presence of criminal youth gangs here in Montgomery County. Prosecuting Attorney Mat Heck, Jr. has been concerned about the growth in gang membership for several years and has been working with area law enforcement officials to develop a coordinated response to the issue. Beginning in 1997, Heck and members of his staff began meeting with area police chiefs to determine the scope of the issue in Montgomery County and to discuss possible responses. The initial meetings were followed by trips to other communities in Ohio to learn about gang suppression efforts already in place.

In the fall of 1998, the Prosecutor’s

Office sponsored a one day Gang Seminar at the University of Dayton School of Law. Representatives from law enforcement, juvenile court, the educational community, and social service agencies heard presentations by Lucas County Juvenile Court Judge James Ray and Detective Doug Allen from the Toledo Police Department.

In January, 1999, a new gang law went into effect in Ohio. This new law makes it a 2nd degree felony to actively participate in the criminal actions of a gang organization. A conviction carries a maximum sentence of 8 years in an Ohio prison. The new law also provides for a “gang specification” that carries a mandatory sentence of 1, 2, or 3 years. This specification can be added to any offense of violence if the offender was involved in gang activity when the crime of violence occurred. Other provisions

of the law provide for the seizure of assets from criminal gangs when it can be shown those assets were obtained illegally.

Most recently, the Dayton Police Department has announced the formation of a gang unit and the Ohio Attorney General’s Office has announced a gang initiative titled “Ohio Against Gangs.”

Prosecuting Attorney Mat Heck, Jr. welcomes the efforts by the Dayton Police Department and the Attorney General’s Office. “We look forward to working with these offices and other law enforcement agencies to address the issue of criminal gangs. We want to stop gangs in their tracks and keep them from becoming entrenched in our community” Heck said. “I intend to have my staff work closely with all law enforcement agencies in Montgomery

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