



THE PROSECUTOR

a newsletter from

Mat Heck, Jr.

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Spring, 2003

SUSPECTS WITH POSSIBLE TERRORIST LINKS PROSECUTED

Two criminal defendants with possible links to terrorist organizations were prosecuted in 2002 in Montgomery County.

Ayman Mahran, a native of Egypt, was convicted on eight counts of Passing Bad Checks and eight counts of Possession of Criminal Tools. On August 28, 2002, he was sentenced to 18 months in prison. Mr. Mahran remains incarcerated and a detainer had been placed against him by the INS. The Department of Homeland Security confirms that he will be deported upon expiration of his sentence.

Ahmed A. El Yousofy, a native of Morocco, was convicted on charges of four counts of Forgery

and one count of Possession of Criminal Tools and was placed on Community Control Sanctions by the Court. He was immediately taken into custody by the INS and has been deported.

Both of these defendants were involved in activities that are often used by terrorist groups to raise money to fund their activities. In both cases, there was suspicion that the proceeds from their illegal acts were being funneled to other locations. While neither has been charged with federal violations of law in connection with their activities, federal law enforcement officials expressed interest in both men.

TWO COUNTY EMPLOYEES CONVICTED OF THEFT IN OFFICE

Two Montgomery County employees have been convicted on charges of Theft in Office.

Bonita Smith, an employee in the County Treasurer's Office, plead guilty to two counts of Theft in Office in late August. Smith stole checks from the Treasurer's Office and altered the checks before depositing them into her account at a local credit union. Smith paid restitution on all checks at the time of the plea and was placed on probation.

Michelle Helser, an employee of the Combined Health District, entered a guilty plea on October 21, 2002 to a charge of Theft in Office. She stole approximately \$6,000 from cash receipts at the Bureau of Vital Statistics. She made full restitution for the theft and was placed on probation.

In both cases, the defendants will be barred from public employment in the future by virtue of their conviction for Theft in Office.

CONVICTIONS AFFIRMED

Convictions in two important Montgomery County cases have been affirmed by higher courts.

Raham Twitty, convicted in the shooting of Dayton Police Officer Mary Beall, had his conviction on multiple counts affirmed on October 18, 2002, by the 2nd District Court of Appeals. Twitty is serving a 76 year sentence in the case. The Ohio Supreme Court has refused to hear an appeal in this case.

Antonio Sanchez Franklin had

his conviction and death sentence affirmed on October 16, 2002, by the Ohio Supreme Court. Franklin has been sentenced to die for the murder of his grandparents and uncle in 1997. He was also sentenced on multiple other counts.

Prosecutor Mat Heck is pleased by these results. "These are important cases and it's good to see these results from the Court of Appeals and the Supreme Court," Heck said.



CRIMINAL CHARGES FORCE PARENTS TO PAY CHILD SUPPORT

Hundreds of parents who have long dodged their obligations to pay child support are now facing criminal prosecution and, in some cases, time in prison. The result is that hundreds of thousands of additional dollars are now being collected and used to support children here in Montgomery County.

The Criminal Non-Support Unit of the Support Enforcement/Paternity Division of the Prosecutor's Office has been in operation since early 2001. A team of four experienced police investigators has been gathering evidence against parents who chronically and deliberately avoid their duty to pay child support. These investigations led to over 160 fel-

ony charge approvals in 2002 and resulted in the collection of over \$550,000 in child support payments. Since the program began, over \$750,000 has been collected. A total of 24 defendants have been sentenced to prison.

Steve Wagenfeld, Chief Attorney in the Support Enforcement/Paternity Division feels the threat of prison is having the desired effect. "These individuals would not be paying their child support without the work of this unit," Wagenfeld noted. He added, "Word is getting out that if you refuse to pay, you are going to be prosecuted on a felony charge and may face time in prison."

HOMICIDE VICTIM MEMORIAL SERVICE

Once again this past December, families and friends of homicide victims gathered at Westminster Presbyterian Church in Dayton for the annual Homicide Victim Memorial Service. For the twelfth consecutive year, the Victim Witness Division of the Prosecutor's Office hosted this important event. The memorial service is designed to give families a chance to remember and honor lost loved ones. This past year, 68 homicide victims were remembered. Each name was read aloud and family members placed an ornament on a memorial tree.

For more information about the Homicide Victim Memorial or other services of the Victim Witness Division of the Montgomery County Prosecutor's Office, contact Ms. Sandy Hunt at 937-225-6262.

County Prosecutor, U.S. Attorney & Ohio Department of Commerce Join to Fight Mortgage Fraud

Prosecuting Attorney Mat Heck, U.S. Attorney Gregory Lockhart, and the Ohio Dept. of Commerce have joined together to fight mortgage fraud here in Montgomery County and throughout Southwest Ohio. The initiative was announced at a press conference held in late August, 2002.

The first target of the initiative will be the illegal practice called "mortgage flipping." This involves obtaining a loan on a run-down property with an inflated appraisal, borrowing heavily against the inflated value, and then defaulting on the loan. Fraudulent documents and false valuations by appraisers are used to create the inflated value of the property.

Mortgage flipping hurts more than just the company that loans money on the inflated value. The property itself ends up in foreclosure and often sits vacant for long periods of time. While vacant, the property becomes an eyesore. It can be easily vandalized and generally contributes to decay in the neighborhood. This affects the legitimate value of other neighboring properties.

There are numerous state and federal statutes that can be used to combat this and other illegal mortgage fraud practices. The County Prosecutor's Office and the U.S. Attorney's office will work together to insure that such cases are prosecuted in the jurisdiction that

provides the greatest penalties.

Search warrants served at a south Dayton area mortgage broker, Kemper Financial, the same day as the press conference resulted in two arrests. Those arrested, Todd H. Charske and Greg Romer, have been convicted in Federal District Court and are awaiting sentencing on charges of Conspiracy to Commit Bank and Wire Fraud, and Money Laundering. Charske was also convicted of Possession of Cocaine with Intent to Distribute. Kemper Financial has also pled guilty to Conspiracy and Money Laundering and faces a fine. Charges are pending against two others connected with Kemper Financial.

FIREWORKS PLAY RESULTS IN ARSON CONVICTIONS FOR JUVENILES

CONTEMPT FINDING UPHELD

Two juveniles have been adjudicated delinquent by reason of arson in connection with a July fire that resulted in the destruction of two residences, two garages, and several automobiles in the Five Oaks Neighborhood of Dayton. The fire started when the juvenile defendants were playing with fireworks on July 5, 2002.

Several other juveniles were charged unofficially through the Montgomery County Juvenile Court with less serious charges in connection with the incident.

Reports from arson investigators show that neighbors had complained for several days about the extensive use of fireworks during the days leading up to and on the July 4th holiday. Press reports following the fire

featured neighbors complaining about non-stop use of fireworks by a group of juveniles for several days.

Prosecuting Attorney Mat Heck feels there is an important lesson to be learned from this incident. "The use of fireworks by children must not be tolerated. Emergency rooms see hundreds of serious injuries to children every year. In this case, we see significant property destruction that threatened an entire city block. Adults must take responsibility for insuring that children do not have access to fireworks," Heck emphasized.

The father of the juveniles has been convicted on two counts of Contributing to the Unruliness of a Minor and is awaiting sentencing in Dayton Municipal Court.

A Federal Public Defender, who was ordered by a Common Pleas Court Judge to testify before the Grand Jury, has lost her appeal of a contempt charge that resulted when she refused to testify. The attorney claimed that she was prohibited from disclosing information given her by a deceased client even though the client's spouse gave his permission for her testimony in accordance with Ohio law.

The attorney has appealed the decision to the Ohio Supreme Court. That court has not yet made a ruling in the case.

Prosecutors hope to learn if the attorney has any information about the disappearance over three years ago of then 9 year old Erica Baker of Kettering.

Family Violence Unit Wins Two Convictions Without Victim Testimony

Erin Claypoole, supervising attorney in the Family Violence Unit of the Prosecutor's Office, recently obtained convictions in two domestic violence related cases where the crime victim refused to testify against the defendant out of fear of retribution.

In the first case, the defendant, **Reginald Hines**, attempted to strangle the victim prior to her testifying against him in a drug case. The two had lived together and had a child together. The victim was seven months pregnant at the time of the assault. The victim testified truthfully at a

preliminary hearing but refused to say anything against the defendant at the trial. Ms. Claypoole was successful in having the transcript from the preliminary hearing admitted as evidence. She was also able to present evidence of the defendant's efforts to intimidate the victim. The defendant was convicted on three felony counts and was sentenced to three years in prison.

In another case, **Calvin Howard** broke into the victim's apartment and stabbed her. The victim was too scared to come to

court and testify but excellent police, crime lab, and emergency room work yielded sufficient evidence to obtain a conviction without her testimony. Howard was convicted and sentenced to six years in prison.

These cases, where the victim is afraid and unwilling to testify against the assailant, are very difficult to prosecute. Changes in the law have led police and prosecutors to depend less on victim testimony. Instead, other evidence is developed and convictions are obtained even when the victim is not willing to testify

Prosecutor Briefs

- **Steve Longo**, an investigator with the Support Enforcement/Paternity Division, has retired after 20 years of service with the Prosecutor's Office and over 40 years of Service with Montgomery County. Steve, a former Green Beret and Montgomery County Deputy Sheriff, is well known throughout the Montgomery County Law Enforcement community. Steve also worked for the Adult Probation Department and the Montgomery County Common Pleas Court for many years.
- **Jennifer Jannicelli** has joined the Fraud and Economic Crimes Division staff as a Legal Secretary. Jennifer has received training as a LEADS operator and will also serve as the division radio dispatcher. Welcome, Jennifer.
- **Mary White** has joined the office as an investigator in the Support Enforcement/Paternity Division. Mary will be investigating criminal non-support cases. She previously served as a police officer with the Trotwood Police Department. Congratulations and welcome.
- Several new attorneys have recently joined the Prosecutor's Office staff. They are: **Thomas B. Scott**, **Richard D. Rudd**, **Douglas M. Trout**, and **Jennifer M. McCullough**, all graduates of the University of Dayton School of Law; **Sharon A. Jermamy**, a graduate of the University of Cincinnati School of Law; **Janna L. Huber**, a graduate of the Ohio State University Moritz College of Law; and **Judson G. McMillin**, a graduate of the University of Mississippi Law Center. Congratulations to these new Assistant Prosecutors.
- The **Diversion Division** collected over \$600,000 in restitution during 2002. This marks the highest total collected in the almost 30 year history of the program. Collected funds are distributed directly to victims of crime.
- The **Victim Witness Division** had five new volunteers complete Volunteer Advocate training in November, bringing the total number of volunteers to over 40. Volunteer Advocates assist Victim Advocates by providing direct services to victims of sexual assaults and other violent crimes. They provide support to victims over the phone and at local hospitals 24 hours a day, seven days per week.

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