

The Prosecutor's Report

August 2020

from Mat Heck, Jr., Prosecuting Attorney



The Prosecutor's Report is the monthly newsletter to the community from the Montgomery County Prosecutor's Office.

If you would like additional information on any of the topics discussed, or have questions or comments, please feel free to contact Mr. Greg Flannagan, Public Information Officer, at 937-225-5610 or via email to info@mcpo.com.

Sentencings

In July, 2020, we disposed of 181 cases. Due to the Covid-19 Pandemic, this total is less than normal, but the backlog of cases is diminishing. The Judges sentenced the defendants in those cases as follows:

- 49.7% received Community Control Sanctions (probation)
- 23.8% were sentenced to the penitentiary
- 19.9% were granted Intervention in Lieu of Conviction (ILC)
- 6.6% received local jail time, or local jail time plus probation

Some notable sentences:

- 7/16/2020 - **Thomas Massey** was sentenced to 9 years in prison after being convicted of aggravated vehicular homicide and aggravated vehicular assault. On April 23, 2018, Dayton police officers responded to a multiple vehicle crash on North I-75 at the Main Street exit. The defendant was traveling northbound when he failed to slow for traffic and rear-ended a vehicle driven by Candace Flaughter. The victim's vehicle was pushed into the back of a box truck, causing significant damage. The victim was transported to the hospital, but succumbed to her injuries on May 5, 2018. The defendant tested positive for methamphetamine and amphetamine at the time of the crash. Mr. John Amos and Mr. Jacob Mosher were the assistant prosecutors on the case.
- 7/23/2020 - **Michael Keister** was sentenced to a total of 8-12 years in prison after being convicted of aggravated possession of drugs, illegal conveyance of drugs of abuse onto the grounds of a detention facility, tampering with

evidence, and having weapons while under disability. On June 15, 2019, an off-duty police officer witnessed a traffic crash on U.S. 35 in Dayton. The officer stopped to make sure everyone was okay, and witnessed the defendant loading items into a box and then jumping over the guardrail and taking the box to a vacant garage. When uniformed officers arrived, they located the box, containing drug paraphernalia, a firearm, and heroin. Mr. Brandon Myers and Ms. Elizabeth McCormick were the assistant prosecutors on the case.

- 7/29/2020 - **Kenneth Derrick** was sentenced to 54 months in prison after being convicted of possession of a Fentanyl-related compound, aggravated possession of drugs, and operating a vehicle while under the influence. On November 3, 2019, the defendant overdosed while driving on Union Road in Clayton and rear-ended another vehicle. When officers arrived at the scene of the crash, the defendant was unresponsive and first responders had to administer Narcan. At the hospital, the defendant admitted that he had used the drugs right before driving. In addition to the prison sentence, the defendant's drivers license was suspended for the rest of his life. Ms. Ashley Adkinson was the assistant prosecutor on the case.

RECENT STAFF ADDITIONS

ELIZABETH J. ORLANDO

On June 5, 2020, Ms. Elizabeth J. Orlando joined the staff of the prosecutor's office as an Assistant Prosecuting Attorney. Elizabeth is assigned to the Intake/Grand Jury Section of the office.

Ms. Orlando received her Bachelor of Science degree from the College of Human Ecology at Cornell University in Ithaca, New York in 1998. In 2000, she received her Masters of Education from Xavier University in Cincinnati, Ohio. She received her law degree from Tulane Law School in New Orleans, Louisiana in 2003.



Ms. Orlando was previously an Assistant Prosecuting Attorney in our office from 2003 until 2008. In 2008 she was employed by Sinclair Community College in various positions, most recently serving as Dean of Business and Public Services.

NICHOLAS J. SURKALA II

On June 5, 2020, Mr. Nicholas J. Surkala joined the staff of the prosecutor's office as an Assistant Prosecuting Attorney. Nicholas is assigned to the Child Protection

Unit of the office.

Mr. Surkala received his undergraduate degree in Political Science from the University of Akron in 2016. In 2019, he received his law degree from the University of Akron School of Law.

Previously, Nicholas served as a Judicial Law Clerk for the Sixth Judicial District of Pennsylvania, in Erie, Pennsylvania. Prior to that, he was an extern for the Summit County Court of Common Pleas in Akron, Ohio.



ALEXANDRA N. PICKERILL

On June 10, 2020, Ms. Alexandra N. Pickerill joined the staff of the prosecutor's office as an Assistant Prosecuting Attorney. Alexandra is assigned to the Juvenile Division of the office.

Ms. Pickerill received her Master of Arts in Political Science, and her Bachelor of Science in Marketing and Business Law in 2014 from Miami University, in Oxford, Ohio. In 2017, she received her law degree from The Ohio State University Moritz College of Law, in Columbus, Ohio.

Previously, Alexandra served as an Assistant City Attorney for Columbus, Ohio and spent time as General Counsel for the City Attorney as well as serving as a Columbus Assistant City Prosecutor. Alexandra has also served as an intern for the Ohio Public Defender's Office and at the Columbus office of the Federal Public Defender's Habeas Corpus Division.

**Prosecutor Heck Makes Recommendations to Improve
Child Abuse Investigations**

In announcing these recommendations, Prosecutor Heck stated, "The death of a child is always heartbreaking. The death of a child after people in the community have reported suspected abuse or neglect of that child is a tragedy that we must do all we can to prevent.

"The deaths of Takoda Collins and other children over the last year due to abuse or neglect have horrified us all.

"There appears to be a "shroud of secrecy" around the reporting, investigating, and responding to child abuse and neglect. Some say this shroud of secrecy is to protect the privacy of families or to protect the identification of the person who reported a suspicion of child abuse or neglect. But too often, this shroud results in a lack of transparency between agencies and the public that creates cracks in the system that children then fall through.

"This shroud of secrecy must be eliminated, torn down, as it only seems to hide the inadequacies of the system, what has not been done, and protect the abusers - the very ones we want to protect our children from.

"Let me be clear, I am not advocating that information gained in the investigation of child abuse and neglect be made public. But that information must be shared between the agencies that have the responsibility to investigate and respond to child abuse and neglect. That is allowed by law and that did not happen in the Collins or other cases.

"Over the past several months, my staff and I have reviewed many recent cases, the procedures of the Children Services Division, as well as relevant sections of the Ohio Revised Code and the Ohio Administrative Code in order to develop recommendations to strengthen the procedures used by Children Services and to improve the communication between those agencies working to protect children.

"Members of my staff and I recently met with representatives of Montgomery County Job and Family Services and the Children Services Division to discuss those recommendations. They indicated that they are in agreement with these recommendations and that they will implement them as soon as possible.

"We must all do more, as partners, to help children who suffer or face a threat of suffering abuse or neglect. I believe these recommendations will assist in accomplishing that goal."

A copy of the recommendations is available [here](#).

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WWW.MCPO.COM





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