



The Prosecutor

newsletter from
Mat Heck, Jr.
Prosecuting Attorney



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Fall 2019

Prosecutor's Victim Advocates Respond to Oregon District Shootings

On the night of Sunday, August 4th, an unimaginable tragedy occurred in the very heart of our community. A disturbed individual, armed with a rifle, gunned down eight individuals and injured dozens of others in less than 30 seconds.

Officers from the Dayton Police Department, who were already patrolling the area, quickly responded and immediately shot and killed the shooter, saving countless other lives in the process.

Almost immediately, a Crisis Command Center was established at the Dayton Convention Center. The convention center served as a place where concerned family members could gather to get the latest updates and news. The Oregon District was sealed off to the public as a crime scene.

The Victim Advocates from our Victim/Witness Division, as well as volunteers and other staff members, responded to assist and provide services to the victims and victims' families. As victims were identified, our staff provided emotional support for the victims' loved ones.

Prosecutor Heck noted, "I cannot express my gratitude enough to my staff who spent that day, and all the days since then, assisting those in need. Such activity is emotionally draining on everyone, as the true scope of this tragedy becomes known. My office and I are committed to providing assistance to the victims and the victims' families. It is hard to believe that such tragedy has struck our community, but we can all be encouraged by the outpouring of love and hope from those in our community, and from those all around the nation."

The Montgomery County Prosecutor's Office

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Diversion Unit (937) 225-4864

Juvenile Division - (937) 225-4253

Grand Jury/Intake - (937) 225-3498

Also, be sure to visit us online at www.mcpo.com and follow us on Facebook!

Ohio Law Dictates Teen Sentence in Adult Court Postponed

State v. Kylan Gregory 2017-CR-2286

On the evening of September 4, 2016, 16-year-old Ronnie Bowers, of Kettering, was at Alter Fest with some friends. One of the males he was with had an on-going dispute with some other teens. The two groups of teens encountered each other at Alter Fest and words were exchanged. Eventually, the victim, his friends, and the male who had issues with the defendants were in a vehicle trying to leave when the defendants pulled up to them in their vehicle. Some, or all, of the defendants exited their vehicle and started pounding on the windows of the victim's car calling out the male for a fistfight. As the vehicle started to drive away, defendant Gregory pulled out a handgun and fired it at the back of the car. The bullet entered through the back window and struck Bowers in the back of the head. Bowers died as a result of his injuries two days later.

On July 20, 2017, after an amenability hearing, the juvenile court judge granted our motion for the mandatory transfer of the defendant to be tried as an adult in the case. On August 8, 2017, the defendant was indicted on two counts of Murder, five counts of Felonious Assault, and one count of Discharge of a Firearm On or Near Prohibited Premises.

On November 13, 2018, after a trial, a jury found the defendant guilty on two counts of reckless homicide and one count of discharge of a firearm on or near prohibited premises. The jury was unable to reach a verdict on the other counts.

On April 23, 2019, the defendant entered a guilty plea to five counts of Felonious Assault.

On June 13, 2019, the defendant was sentenced to a total of 11 years in prison.

Under Ohio law, because the defendant was not convicted on the counts that made the transfer to adult court mandatory, the 11 year prison sentence will be "stayed." The defendant's case was "reversed" to Juvenile Court for a second amenability hearing. If the juvenile court judge finds the defendant is amenable to treatment in the juvenile system, the defendant will be sentenced in juvenile court and the adult sentence will be dismissed. If, on the other hand, the juvenile court judge finds the defendant is not amenable to treatment in the juvenile system, then the adult sentence will be imposed.

Prosecutor Heck said, "This was a sad and tragic event. Ronnie Bowers was a well-liked 16-year-old student at Fairmont High School who was a completely innocent bystander when he was fatally shot. The law governing "reverse bindover" is not a situation that occurs often. In most cases, a juvenile who is transferred to the adult court is convicted on the mandatory transfer criminal charges."

Prosecutor Announces *ArriveSafe* for Thanksgiving Weekend

Prosecutor Heck has announced that the ArriveSafe Program will be offered for Montgomery County residents over the upcoming Thanksgiving holiday weekend. Since the program's inception in December 2007, the program has taken nearly 7,300 impaired drivers off the roads in our community.

Watch for announcements on local TV stations and on social media for dates and times.

Court of Appeals Affirms Convicted Police Officer's Convictions and Sentence

On September 6, 2019, the Second District Court of Appeals affirmed the conviction and sentence of Justin W. Sanderson, a former Phillipsburg Police Officer who was prosecuted for sex offenses he committed while serving as a uniformed police officer.

On June 28, 2017, the defendant, dressed in his police uniform and driving a Phillipsburg Police cruiser, went to a Vandalia motel in order to meet with two women. They had met through an ad on backpage.com and had agreed to meet for sex. The defendant informed the desk clerk he was conducting an investigation and needed the room key where the women were located. The defendant used the key to gain entrance to the motel room and informed the women that he was conducting an investigation into human trafficking and prostitution and was going to give them a warning. He left the motel room only to return minutes later and engaged in sexual activity with them.

On July 3, 2017, the women reported the incident to Vandalia Police, stating that they did not feel free to resist the defendant's actions because he was a law enforcement officer.

Three days later, on July 6, 2017, a Vandalia Police officer on routine patrol spotted a Phillipsburg Police cruiser in the parking lot of the same motel. The Vandalia officer met with the defendant in the parking lot and took him into custody. When news of the defendant's arrest became public, two more victims came forward and reported additional separate incidents to the Vandalia Police.

The first incident had occurred on May 20, 2017, when a female motorist was stopped for an OVI investigation by the defendant, who was on duty. The motorist was taken to the Phillipsburg Police station where she was forced to have sex with the defendant.

The second incident occurred on June 3, 2017, when another female was arrested by the defendant on an outstanding warrant. She, too, was taken to the Phillipsburg Police station where the defendant forced her to submit to sexual conduct.

On August 29, 2018, the defendant was found guilty as charged on three counts of Rape, two counts of Kidnapping for Sexual Activity with Sexual Motivation Specifications, one count of Aggravated Burglary, seven counts of Sexual Battery while in the custody of law enforcement, two counts of Gross Sexual Imposition, and four counts of Interfering with Civil Rights.

On September 12, 2018, the defendant was sentenced to a total of 43 years in prison and was designated a Tier I, Tier II, and Tier III sex offender.

On October 2, 2018, the defendant filed an appeal in the Second District Court of Appeals, challenging both his conviction and his sentence.

Prosecutor Heck said, "I am pleased with the decision of the Court of Appeals. This defendant abused his authority as a police officer by forcing four victims into sexual activity. Thankfully, this defendant will never again be a police officer and he will be unable to victimize anyone else."

Prosecutor Heck added, "I want to commend the Vandalia Police for their dedication and hard work in investigating this case."

Assistant Prosecuting Attorneys Kelly Madzey and Dylan Smearcheck handled the criminal case at trial. The defendant is currently serving his prison sentence at the Lorain Correctional Institution in Grafton, Ohio.

Why Does It Take So Darn Long to Charge Someone?

Over the years, a number of cases have taken literally years to reach a conclusion. Inevitably, there are questions from the public about how long it takes to charge someone or how long the police take to conduct their investigation. This article will attempt to explain, in general terms, why some cases can take so long.

The first topic that should be addressed is what the public sees in crime programs on television. Typically, in the span of an hour, the viewer witnesses the crime, the police response and investigation of the crime, the prosecution in court, and the perp getting sent off to prison. This neat little package of crime drama is no where near the truth of what happens in real life.

When a crime occurs, there are a number of investigative leads that the detectives must follow. Interviewing any and all eyewitnesses is a good start, but there may be additional evidence that requires the investigators to obtain search warrants. Cellphones, vehicles, apartments, bank records, text messages, and other evidence usually require a search warrant before they can be examined.

If the case involves a death, then an autopsy needs to be completed to determine the cause of death. Autopsy reports usually include a screening for any drugs (legal and illegal) in the system of the deceased. The autopsy and toxicology reports can take quite some time to be completed.

If the case involves a motor vehicle crash, then in addition to having an accident reconstructionist investigate the matter, any vehicles involved need to be inspected. Among other things, investigators must check to see if there were any outstanding manufacturer recalls that could be contributing factors to the crash. Often times, a mechanic will evaluate the vehicle to determine if a mechanical issue, such as bad brakes or bald tires, for example, contributed to the crash. Most newer model vehicles have an event and data recorder, much like an airplane's "black box," that investigators must obtain and review.

Cases involving firearms will require that any firearms recovered are test-fired to make sure they are operable. Ballistics testing of firearms and any recovered projectiles can be time consuming as well.

If investigators recover any DNA evidence, it must be tested and compared to known DNA standards, or entered into a nationwide database to see if the DNA's contributor can be identified. DNA testing by a lab is very time consuming, and can take months.

All of these investigative processes are time consuming, and many are unaware of the time and work involved. Often, a crime occurs, the media reports the crime, and the public expects someone to be arrested and charged immediately. Unfortunately, many times the investigation takes several weeks or months to complete before an arrest can be made.

Prosecutor Heck said, "Our office reviews all requests for felony charges by all area law enforcement agencies. Many times the case is very complex, and we need to know more information before arresting the correct person and charging the appropriate crimes. By reviewing the investigation with law enforcement, we can ensure that we have the strongest case possible when we file charges against a suspect. I understand the public's concern about the amount of time that can pass before someone is charged, but it is important to remember that justice can only be obtained when all the available, relevant information is obtained."

Staff Updates

Since the last edition of *The Prosecutor*, we have hired a number of additional staff to replace retiring staff or those who left to pursue other employment:

On July 22, 2019, **Ms. Courtney S. Hensley** joined the staff of the office as a Legal Secretary. Courtney is assigned to the Juvenile Division of the office. Courtney received her Bachelor of Science in Family Studies, with a minor in Child Studies, from the Miami University in 2005.

On July 23, 2019, **Ms. Caitlin M. Hopper** joined the staff of the office as a Legal Secretary. Caitlin is assigned to the Criminal Case Management Section of the office. Caitlin received Bachelor of Arts in Political Science, with a minor in Criminology, from Western Kentucky University in 2019. Caitlin previously worked at a law firm in her hometown of Madisonville, Kentucky.

On July 29, 2019, **Ms. Chelsea J. Strong** joined the staff of the prosecutor's office as a Legal Secretary. Chelsea is assigned to the DTAC Unit of the Civil Division of the Office. Chelsea has previously worked in the banking industry, most recently serving as a branch manager at a local credit union.

On August 1, 2019, **Mr. Navil Moniruzzaman** joined the staff of the office as an Assistant Prosecuting Attorney. Navil is assigned to the Child Protection Unit of the office. Navil received his Bachelor of Arts in Political Science, and a Bachelor of Arts in International Studies from The Ohio State University in 2015. He received his law degree from the University of Dayton School of Law in 2018.

On August 22, 2019, **Ms. Sinèad Van Remmen** joined the staff of the prosecutor's office as a Victim Advocate, assigned to the Victim/Witness Division of the office. Sinèad received her undergraduate degree in European Law from Maastricht University in the Netherlands in 2015. In 2016, she received her postgraduate degree in Forensics, Criminology and Law from Maastricht University. Previously, Sinèad was an advocate in Clark County, Ohio.

What Does a Prosecuting Attorney Do?

Ohio's county prosecuting attorneys are the primary ministers of justice and voice for victims. As such, prosecuting attorneys play an integral role in our public safety. They prosecute adults and juveniles accused of felony crimes or delinquencies. At the same time, prosecuting attorneys are the foremost advocates for victims of crime and their families.

All prosecuting attorneys work close with law enforcement to pursue convictions for those guilty of crime and to stand up for the rights of victims. In addition, prosecuting attorneys and their staff are responsible for the professional legal needs of all county and township officials, and serve as counsel for those offices.

In our county, the prosecution begins when law enforcement officers have collected enough evidence to believe a felony offense has been committed by a particular person. The officers meet with Assistant Prosecuting Attorneys to review the investigation before charges are filed. If arrested, the accused appears before a municipal court judge who will hold a "preliminary hearing" to determine whether there is probable cause to believe that the individual committed the offense. If probable cause exists, the case is "bound over" to the Montgomery County Grand Jury.

At this point, the prosecuting attorney presents the case to the grand jury on behalf of the State of Ohio. In this proceeding, only the prosecuting attorney, the grand jury members, and witnesses may attend.

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If the grand jury believes that sufficient evidence exists to believe that a person committed the alleged offense, it votes to indict that person (now called a defendant), and the case is then set for arraignment in the county’s court of common pleas.

In court, the prosecuting attorney presents the case against the defendant. Cases can be resolved in one of several ways – by a plea of guilty or by a trial, which can be a jury trial or a bench trial before a judge if the defendant waives a jury.

Throughout this process, prosecuting attorneys and their staff also serve as advocates for the victims of crime. They work to make sure victims are aware of court dates, the status of pending cases and the availability of appropriate community resources and services. Prosecuting attorneys also obtain the input of crime victims before entering into any plea agreement with the defendant.



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