On December 14, 2020, Prosecutor Mat Heck, Jr. and his Victim/Witness Division held the 30th Annual Homicide Victim Memorial Service. Planning for the event began last year after the 29th service was held. However, the service was very different this year, due to the Coronavirus pandemic.

The Service has been held at the Westminster Presbyterian Church in downtown Dayton for many years. Last year, over 500 people were in attendance. Knowing that there was no possible way to keep 500 people socially distanced, and with the Governor's orders to limit indoor gatherings, we needed to find a way to still honor the 69 citizens who lost their lives to violence in Montgomery County over the past year.

The Decision was made to hold a virtual memorial service. A local video marketing company, Indigo Life Media, was hired to produce a video that could be shared with not only the friends and loved ones of the victims, but also the entire community.

Filming took place in November in order to have the video ready in time for Homicide Victim Memorial Day, which is always the second Monday in December.

The families and loved ones of those who were memorialized were permitted to place an ornament on the memorial tree on Monday, December 14, 2020. Timing was spread out over a three-hour period in order to allow for social distancing. The memorial video was released at 7:00 p.m. that day. If you wish to see the service, a link to the video is on our website at www.mcpo.com.

Sandy Hunt, Victim/Witness Division Director, said, "For most of us, the holidays are a time for joyful celebration. However, for those who have lost someone to violence, the holidays can be a time when the sense of loss is overwhelming. While it may have looked different this year, we are honored we could still provide this years' service."

Prosecutor Heck added, "We wanted the families and friends who have lost someone to violence to know the pandemic does not diminish the loss they have suffered, and that we stand with them during this trying time. Hopefully, we will be able to hold the 31st Annual Homicide Victim Memorial Service in person."
2020 Champion of Children Award

On October 21, 2020, Prosecutor Heck announced the recipient of the 2020 Champion of Children Award to acknowledge the extraordinary results that can be obtained when citizens become involved.

This year, the award recipient is Ms. Tiffany Martin. In 2019, Ms. Martin’s 7-year-old daughter disclosed to her that she and two other girls had been sexually assaulted for approximately three years by a family friend. Tiffany immediately contacted the Miamisburg Police Department.

On April 1, 2019, defendant Scott E. Pate, 54 years old at the time, was indicted for 10 counts of Rape of a child under 10 years of age, 10 counts of Gross Sexual Imposition of a child under 13 years of age, and two counts of Disseminating Matter Harmful to Juveniles, as the investigation determined the defendant had also shown the girls adult pornography.

Once news of the indictment was made public, an additional victim came forward and reported to police that she had also been sexually assaulted by the defendant in 2004. Subsequently, on May 1, 2019, the defendant was indicted for an additional four counts of Unlawful Sexual Conduct with a Minor. Additionally, Sexually Violent Predator (SVP) Specifications were added to the original 22 counts in the indictment.

On October 7, 2019, after a trial, the jury found the defendant guilty as charged on 25 counts. Then, on December 20, 2019, a separate bench trial was held on the SVP specifications. The court found the defendant guilty as charged.

On January 31, 2020, the defendant was sentenced to the maximum possible under Ohio law of 10 consecutive terms of life in prison without the possibility of parole, plus an additional and consecutive 58 years-to-life in prison.

Prosecutor Heck said, “What makes this case special is that Tiffany’s mother was acquainted with the defendant and his wife. When Tiffany’s mother passed away, the defendant and his wife became like “grandparents” to Tiffany’s children. Obviously, Tiffany was devastated when she learned that someone she considered family had victimized her daughter and other children. Tiffany didn’t hesitate to report the disclosure to the police to protect her children at all costs, even when other family members begged her not to. Tiffany did everything needed to assist our office in successfully convicting a violent sexual predator.”

Above: Miamisburg Police Sgt. Michael Aiken; APA Franklin Gehres; APA Kelly Madzey; Tiffany Martin; Prosecutor Mat Heck, Jr.; Victim Advocate Skye McKenna
Assistant Prosecutor Assigned to Child Abuse Bureau

On September 16, 2020, Prosecutor Heck announced that Ms. Kelsie Carson had been assigned to the position of Assistant Prosecuting Attorney in the Child Abuse Bureau of the office, located at the local children’s advocacy center, CARE House.

Ms. Carson received her law degree in May 2014 from the University of Akron School of Law in Akron, Ohio. She received her undergraduate degree in 2011 from Case Western Reserve University in Cleveland, Ohio, majoring in Psychology. Ms. Carson served as an Assistant Municipal Prosecutor for the City of Akron prior to joining our office.

Kelsie joined the prosecutor’s office in December 2014 and was assigned to the Juvenile Division of the office. In January 2016, she was assigned to the Intake/Grand Jury Section of the office. She was promoted to Criminal Docket Attorney in May 2016.

The Assistant Prosecuting Attorneys assigned to our Child Abuse Bureau have the primary responsibility for filing and prosecuting criminal charges in felony child physical and sexual abuse cases.

CARE House, located on Valley Street in Dayton, near Dayton Children’s Hospital, is an accredited Child Advocacy Center. It uses a multi-disciplinary team response to child abuse through prevention, intervention, and advocacy. The operation of CARE House is made up of five partners—the Montgomery County Prosecutor’s Office, the Montgomery County Sheriff’s Office, the Dayton Police Department, Children’s Services, and Dayton Children’s Hospital. Each of the five partners is responsible for providing staffing to carry out the duties of their particular discipline.

Prosecutor Heck has always taken a special interest in the prosecution of child abuse—not only locally but nationally as he is a past-president of the National Children’s Alliance, located in Washington, DC. The National Children’s Alliance is the organization that handles accreditation of Child Advocacy Centers nationwide.

Staff Updates

Since the last edition of The Prosecutor, we have hired three additional staff members to replace retiring staff or those who left to pursue other employment.

On October 13, 2020, Mr. Blake McCroskey joined the staff of the office as an Assistant Prosecuting Attorney, assigned to the Child Protection Unit of the office. Mr. McCroskey received his Bachelor of Arts degree in Political Science from Miami University in Oxford, Ohio, in 2011. He received his law degree from the University of Miami School of Law in Coral Gables, Florida in May, 2020.

On October 13, 2020, Ms. Jillian Heigel joined the staff of the office as a Legal Secretary. Ms. Heigel received her BA in Social Science Education from Wright State University in 2017. Previously, Jillian was a legal secretary in the office from April, 2018, until January, 2020. She left to pursue other opportunities, but decided to return.

On November 2, 2020, Ms. Paige Heneghan joined the staff of the office as an Assistant Prosecuting Attorney, assigned to the Appellate Division of the office. Ms. Heneghan received her Bachelor of Science in Criminal Justice from the University of Cincinnati in 2017. She received her law degree from the Ohio Northern University Pettit College of Law in Ada, Ohio in May, 2020.
Prosecutor’s Office Staff Work Anniversaries

Congratulations to the following staff of the Montgomery County Prosecutor’s Office who celebrated work anniversaries in August, September, October, November, or December:

August Anniversaries
31 years—Steve Wagenfeld, 8/28/1989
29 years—John Amarante, 8/19/1991
28 years—Steve Espy, 8/3/1992
23 years—Lynda Dodd, 8/7/1997
23 years—Dan Brandt, 8/11/1997
19 years—Ward Barrentine, 8/14/2001
7 years—Alissa Schriner, 8/1/2013
7 years—Heather Ketter, 8/12/2013
7 years—Nicole Amrhein, 8/14/2013
6 years—Richard Glennon, 8/4/2014
5 years—Robert Nemeth, 8/26/2015
5 years—Anne Jagielski, 8/31/2015
4 years—Jessi Simpson, 8/1/2016
4 years—Tara Fought, 8/1/2016
2 years—Ashley Kochel, 8/27/2018
2 years—Candace Crear, 8/27/2018
2 years—Collin Showe, 8/29/2018
1 year—Navil Moniruzzaman, 8/1/2019

September Anniversaries
24 years—Carrie Hensley, 9/3/1996
23 years—Cara Sweet, 9/2/1997
23 years—Michele Phipps, 9/29/1997
7 years—Rion Talley, 9/3/2013
4 years—Ann Gramza, 9/19/2016
4 years—Tyson Dillon, 9/30/2016
3 years—Dylan Weaver, 9/19/2017
2 years—Matthew DeRosa, 9/18/2018
2 years—David Merrell, 9/28/2018
1 year—Hannah Bakosh, 9/13/2019

October Anniversaries
25 years—Greg Flannagan, 10/10/1995
14 years—Kim Melnick, 10/30/2006
6 years—Laura Jordan, 10/27/2014
4 years—Karen Clift, 10/31/2016
3 years—Reagan Willis, 10/10/2017
3 years—Emily Kleiner, 10/30/2017
1 year—Hailey Napier, 10/28/2019

November Anniversaries
39 years—Leon Daidone, 11/16/1981
5 years—Jacob Mosher, 11/17/2015
4 years—Randi Rhodus, 11/14/2016
3 years—Whitney Crim, 11/15/2017
3 years—James Staley, 11/21/2017
1 year—Courtnie Fields, 11/18/2019
1 year—Jamie Rizzo, 11/18/2019
1 year—Morgan McConnell

December Anniversaries
15 years—Michelle Grodner, 12/19/2005
6 years—Kelsie Carson, 12/29/2014
5 years—Brandon Myers, 12/14/2015
4 years—Ashley Adkinson, 12/6/2016
2 years—India Taste, 12/3/2018
2 years—Cheyanne Solomon, 12/3/2018
2 years—Elizabeth McCormick, 12/31/2018

Contractor Fraud

Our Consumer Fraud Division receives many complaints from the public about a number of issues. Many of these complaints are determined to be a civil matter and not a violation of law. However, a common complaint our investigators receive concerns fraud committed by contractors.

When you hire a contractor to do work on your home or property, be sure to protect yourself from scams. Be wary of those who:

- Go door-to-door offering to do work without you seeking them out.
- Require full payment up-front.
- Won’t provide you with a written contract for the work

The best way to avoid being ripped-off is to do your research before hiring a contractor.

- Check potential contractors with the Better Business Bureau.
- Ask for references of neighbors or others for which they have completed projects.
- Never pay in full for a job up-front

If you believe you might be a victim of contractor fraud, call our Consumer Fraud Unit at 937-225-4747.
Transferring Juveniles to be Tried as Adults

The Juvenile Delinquency Division of the office prosecutes offenders under the age of 18 who commit crimes. The violations prosecuted range from traffic offenses to homicides. The attorneys in the division prosecute adults for misdemeanor criminal charges involving the abuse or neglect of children. This division is also responsible for proceedings to transfer juvenile offenders who commit serious offenses to adult court to face adult penalties. We often get questions from the public on the process of transferring a juvenile defendant to the adult court.

Under Ohio law, a person under the age of 18 can be tried as an adult for the commission of a felony offense if the defendant was age 14 or older at the time of the offense. However, before a transfer to the adult court can be ordered, the juvenile court must conduct hearings and make certain determinations that there is sufficient evidence demonstrating probable cause that the juvenile committed the offense. In some cases, under Ohio law, the defendant must be tried as an adult, and in others, the defendant can be tried as an adult only if the court orders it.

Transfer to the adult division is mandatory in certain very serious cases, such as when the charge is aggravated murder or murder, and the child is 16 or 17; or the charge is aggravated murder or murder and the child is 14 or 15 and has previously been committed to an Ohio Department of Youth Services (DYS) facility. Transfer is also mandatory when the charge is a certain serious felony offense, such as voluntary manslaughter, aggravated robbery, aggravated burglary, rape, and aggravated arson, and the child is age 16 or 17 and either has previously been committed to a DYS facility or used a firearm while committing the offense. If the juvenile court finds that these conditions exist and that there is probable cause to believe that the defendant committed the offense, the defendant must be tried as an adult.

When the law does not require transfer, a juvenile court judge can decide whether to transfer a defendant to the adult division for trial if the defendant was 14 years or older at the time they committed a felony offense. The court must first conduct a hearing to determine if there is probable cause that the defendant committed the offense. The court then orders an investigation, including a mental examination, and conducts another hearing, called an “amenability” hearing, to decide whether or not the defendant is likely to be rehabilitated within the juvenile system, and whether or not the community’s safety requires that the defendant be subject to adult penalties. Some of the factors the court considers are age, physical and mental maturity, past attempts and future potential for rehabilitation, harm suffered by the victim, use of a firearm, and public safety.

If a juvenile defendant’s case remains in juvenile court, there are other alternatives. When there are multiple charges, the court may impose consecutive sentences in a DYS facility. If a firearm was used in the offense and specified in the complaint, the defendant must be committed to DYS and must serve additional time, ranging from one to five years, for using the firearm.

In certain circumstances, the court may impose a “serious youthful offender” (SYO) sentence in which a child is given a traditional juvenile sentence as well as an “adult” sentence that is stayed. The defendant may not have to serve the adult portion of the sentence at all if he or she successfully completes the juvenile portion of the sentence. If the defendant is older than age 14 and commits certain offenses while serving the juvenile portion of the SYO sentence, the defendant can be sentenced to an adult correctional facility or to adult probation.

Prosecutor Heck said, “Asking the court to transfer a juvenile defendant to adult court is not something we take lightly. We file a motion to transfer on only the most violent offenders, or those juveniles who have a lengthy history of increasingly serious offenses. The Ohio Department of Youth Services can only keep juvenile defendants until age 21, which in many cases is not nearly long enough to protect the public from further crimes.”
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Also, be sure to visit us online at www.mcpo.com and follow us on Facebook and Twitter!


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