



THE PROSECUTOR

newsletter from

Mat Heck, Jr.
Prosecuting Attorney



Dayton-Montgomery County Courts Building, P.O. Box 972, 301 W. Third Street, Dayton, OH 45422

Fall 2013

2013 Violence Prevention Project Award Winners Announced



Prosecutor Heck (center) with the award winners, their families, teachers and MCPO staff members who attended this years event.

The 23rd annual Violence Prevention Awards Ceremony was held on May 7, 2013 at the Dayton Masonic Temple. This event is an opportunity to acknowledge and promote the positive efforts of students in Montgomery County.

This year nearly 1500 students entered the contest, which is sponsored by our office. The students submitted posters and essays describing ways to prevent violence and drug abuse. Considering some of the recent tragedies in our nation, it is rewarding to know that here in Montgomery County, our students are concerned about violence and want to promote positive changes.

It takes the entire community's effort to support our youth. This year had the largest turn-out ever of parents, teachers, family and friends. Prosecutor Heck thanks all who attended the event to demonstrate they care about our youth and their future.

Many generous donors have shown support by contributing to this project and the awards ceremony, including the following law enforcement agencies: Montgomery County Sheriff Phil Plummer, Dayton Police Chief Richard Biehl, Trotwood Police Chief Quincy Pope, and Centerville Police Chief Bruce Robertson.

This year, we also received support from King's Island, The Kroger Aquatic Center at The Heights, the Dayton
(Cont'd on page 2)

Cont'd from page 1

International Peace Museum, Aullwood Audubon Center, The Root Beer Stande in Riverside, McDonalds, Walmart, Boonshoft Museum of Discovery, Evans Bakery, and Mike-Sells Potato Chips. Each donated items for prizes or refreshments.

Prosecutor Heck recognized the Dayton Masonic Center for allowing us to once again hold our ceremony in their beautiful building, and Bill Daniels of Dayton's Original Pizza Factory, for again providing all the pizza for the event. To see all the winning posters and essays and to receive a copy of the 2014 calendar, contact Ms. Sandy Hunt, Director, Victim/Witness Division, P.O. Box 972, Dayton, Oh 45402 or e-mail hunts@mcoho.org.

The Weather Will Be Changing!

Tips for Choosing a HVAC Contractor

With the changing seasons upon us, many homeowners find it is time for a new heating/ventilation/air conditioning system. Since heating and cooling units are expected to last 15 to 20 years and can represent a very large investment, it is critical that you do your homework. Our Consumer Fraud Unit investigates cases of fraudulent home improvement contracts, among other crimes. Here are some tips to avoid being ripped-off.

The first step is finding a qualified, reputable contractor. Some questions to ask potential contractors: How long have they been in business? Can they provide references? Do they carry general liability insurance and workers' compenation insurance? It's always a good idea to ask friends and family for a recommendation, and always follow up with the references the contractor provides. Check and see if they have a Better Business Bureau (BBB) rating by calling the BBB or visiting their website.

The next step is to obtain written estimates. The standard rule of thumb is to go with the middle estimate. However, if one contractor's bid is high, ask why. They may have noticed something that the other contractors missed. Other things to consider: Does the estimate detail the price of the unit, labor costs and lists of additional work required? Is there a timetable for the project? If applicable, is there a payment schedule? Does the estimate include the costs of any required permits - and who is responsible to obtain the permits? Are there extras that you are paying for that were not discussed, like a humidifer, air cleaner, or programmable thermostat?

The third step, after you have chosen a contractor, is to go over the final written contract. Before you sign and agree to the contract, make sure it is complete - never sign a blank contract or one with blank spaces. Make sure the contract includes all the work to be performed, all associated costs, and the payment schedule (if applicable). Finally, any guarantees made by the contractor should be included in the contract, including what the guarantee covers, who is responsible, and how long the guarantee is valid.

Finally, avoid contractors who want a cash deposit or payment in full at the time of the contract. Always pay by check or credit card, not cash. Any legitimate contractor will work with you and will accept a check or cashier's check.

Lastly, do not get rushed into a decision because your current system is broken. Scam artists love to prey on victims when they are in a stressful situation, or feel they have no other choice.

Prosecutor Heck Elected Chair, Criminal Justice Section, American Bar Association

On August 13, 2013, at the American Bar Association's 2013 annual meeting in San Francisco, Prosecuting Attorney Mat Heck, Jr. was elected as chair of the ABA's Criminal Justice Section (CJS).

The mission of the criminal justice section is to be "the unified voice of criminal justice." To that end, the over 20,000 members include representatives from every aspect of the criminal justice system including prosecutors, public defenders, criminal defense lawyers, attorney generals, law students and professors of law.

Former Funeral Home Owner Sentenced to Prison

On September 9, 2013, Scherrie McLin, owner of the now closed McLin Funeral Home in Dayton, was sentenced to four years in prison after being convicted on 12 felony counts: one count each of theft from an elderly or disabled person over \$150,000, grand theft over \$7,500, theft over \$1,000, two counts of tampering with government records and seven counts of violation of pre-needs contracts.

The defendant sold "pre-needs" funeral contracts, which are when a person pays in advance for their funeral arrangements. The funeral home is required by law to deposit and retain those funds in a trust or life insurance policy. Operators of funeral homes must file annual reports with the Ohio Board of Embalmers and Funeral Directors detailing where the funds are secured.

McLin illegally converted over \$200,000 from over 60 victims and used the money for her own personal use. Once she is released from prison she will be supervised by the Court for five years and if she violates any of the terms of her release, she could face up to 19 additional years of incarceration.

Tip to avoid being a victim: Instruct the funeral home to deposit your prepay funds in the trust account managed by the Ohio Board of Embalmers and Funeral Directors.

Defendants Convicted and Sentenced in Brutal Murder

State v. Sellers, Shaffer 2011-CR-3334

On August 13 and August 21, 2013 defendants Joshua Sellers and Jamie Shaffer were both sentenced to life incarceration without the possibility of parole, plus an additional 18 years for the brutal murder of 20-year-old Lisa Spinks.

The victim was repeatedly stabbed, and then her body was placed on railroad tracks where she was run over by passing trains.

Defendant Shaffer, 23 years old, was found guilty of two counts of aggravated murder, two counts of tampering with evidence, single counts of kidnapping, possession of criminal tools and gross abuse of a corpse, by a three-judge panel on May 13, 2013.

Defendant Sellers, 28 years old, was found guilty of the same charges on August 2, 2013.

At the time of sentencing, Prosecutor Heck commented, "This is a most heinous, calculating and malicious aggravated murder case of a compliant, young girl. These defendants intentionally and callously murdered Ms. Spinks without any provocation."

ArriveSafe to Offer Free Cab Rides During Thanksgiving Holiday Weekend



The ArriveSafe Program will offer free cab rides home over the Thanksgiving holiday weekend for Montgomery County residents who consume alcohol and make the responsible decision not to drive. Watch local news or check our website for program dates and times.

"Remember, the life you save may be your own."

OFFICE STAFF UPDATES

New office staff members since the last update:

DATE	NAME	POSITION AND ASSIGNMENT
1/2/2013	Franklin Gehres	Assistant Prosecutor, Juvenile Division
1/9/2013	Matthew Crawford	Assistant Prosecutor, Appellate Division
1/28/2013	Tiffany Allen	Assistant Prosecutor, Child Protection Unit
1/31/2013	Abigail Garcia	Legal Secretary, Case Management
2/4/2013	Elizabeth Adams	Legal Secretary, Case Management
2/19/2013	Amber Labs	Legal Secretary, Appellate Division
2/19/2013	April Campbell	Assistant Prosecutor, Appellate Division
3/18/2013	Aimee Mitchell	Secretary, Administration
3/25/2013	Christopher Cloud	Assistant Prosecutor, Child Protection Unit
4/22/2013	Eric Buchakjian	Assistant Prosecutor, Grand Jury
5/13/2013	Ashley Yane	Legal Secretary, Case Management
7/29/2013	Jonathan Ketter	Assistant Prosecutor, Civil Division
8/1/2013	Alissa Schriener	Assistant Prosecutor, Child Protection Unit
8/13/2013	Heather Jans	Assistant Prosecutor, Grand Jury
8/14/2013	Nicole Amrhein	Assistant Prosecutor, Juvenile Division
8/21/2013	Jessica Schaeffer	Weekend Secretary, Case Management
9/3/2013	Rion Talley	Legal Secretary, Case Management

The Prosecutor is published as a public service by the Montgomery County Prosecutor's Office. For questions or comments about articles appearing in *The Prosecutor*, or to recommend topics you'd like to see, please contact:

Mr. Greg Flannagan, Public Information Officer at 937-225-5610 or e-mail info@mcpo.com

Find us on the web at www.mcpo.com

PRESORTED STANDARD
U.S. POSTAGE
PAID
DAYTON, OHIO
PERMIT NO. 1401

MATHIAS H. HECK, JR.
Montgomery County Prosecuting Attorney
P.O. Box 972 301 W. Third St.
Dayton, OH 45422