

The Prosecutor's Report

Monthly news & updates



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New Staff and Promotions



Mat Heck, Jr.

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 us at 937-225-5757 or via email info@mcpo.com

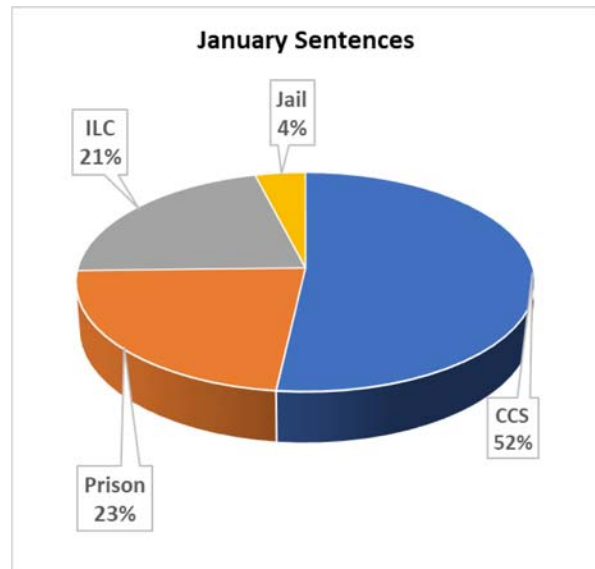
January 2021 Sentences

January Sentences

In January 2021, we disposed of 224 cases. The judges sentenced the

defendants in those cases as follows:

- 51.8% received Community Control Sanctions (probation)
- 22.8% were sentenced to the penitentiary
- 21.4% were granted Intervention in Lieu of Conviction (ILC)
- 4.0% received local jail time or local jail time plus probation



Some Notable Sentences:

- 1/5/2021 - **Joshua D. DeHart** was sentenced to a total of 20 years-to-life in prison after being convicted of Aggravated Murder and Aggravated Burglary. On March 10, 2020, Kettering Police were dispatched to Barton Wilson's insurance office on Wilmington Pike on a report of a dead body. The deceased was identified as 74-year-old Barton Wilson, who had been murdered by the defendant who worked as a handyman at the victim's rental properties. The defendant was identified through the use of witness statements, video surveillance, and other physical evidence. Mr. Dan Brandt and Mr. Jacob Mosher were the assistant prosecutors on the case.
- 1/6/2021 - **Michael Prater** was sentenced to a total of 9 years in prison after being convicted of four counts of Felonious Assault with a deadly weapon. On May 15, 2019, the defendant fired a gun at a crowd of people who were listening to a live band at the Villa Tavern on Rip Rap Road in Huber Heights. Ms. Jennifer Weber was the assistant prosecutor on the case.
- 1/21/2021 - **Jarrelle E. Anderson** was sentenced to a range of 12 to 15 years in prison after being convicted of Aggravated Robbery, Aggravated Burglary, Kidnapping, Having Weapons While Under Disability, and Aggravated Menacing. On November 26, 2019, the defendant and two co-defendants (one of which was a juvenile) went to a residence on Monroe Avenue in Harrison Township. After a co-defendant, Darrius Pattson, kicked open the door, they held a family, including two young children, at gunpoint. The defendants ransacked the home and stole multiple items before fleeing. Ms. Jennifer Weber and Ms. Victoria Nilles were the assistant prosecutors on the case.

Prosecutor Heck Sworn-In for his Eighth Term in Office



Judge Daniel G. Gehres administers the Oath of Office to Prosecutor Heck

On January 4, 2021, Prosecutor Heck was sworn-in to begin his eighth term in office. The Honorable Daniel G. Gehres, Judge of the Dayton Municipal Court, administered the Oath of Office.

During the ceremony, Prosecutor Heck stated that he has just as much excitement and enthusiasm today as he did during his first oath of office ceremony in August 1992. Prosecutor Heck discussed why he worked so hard to become an attorney, and more importantly, a prosecutor. Mr. Heck's father, Mathias Heck, Sr., was the Montgomery County Prosecuting Attorney for 16 years. Mr. Heck realized years ago that being a prosecutor is a calling, and not just a job.

Mr. Heck noted that as the elected prosecutor, he is given the opportunity to help victims of crime who are seeking justice. He loves the feeling of accomplishment that comes from helping victims fight for their rights.

Speaking to his staff, Mr. Heck noted that, "As prosecutors, we have entrusted to us a responsibility much more arduous and different from other lawyers – to do and seek justice. Our responsibility is not to see simply how many convictions we can obtain. It is to put doing the right thing over and above what is easy and convenient. We are the gatekeepers to the criminal justice system."

Prosecutor Heck continued, "I am honored and truly appreciate being re-elected as your Prosecuting Attorney. I am truly humbled by the support of the community. As my staff and I begin this new term in office, we pledge to continue to make our community a safer place to live, work, and play."

Prosecutor Heck was first elected to office in 1992 and was uncontested in his race for re-election this past November.

After the ceremony, Prosecutor Heck noted some of the work the office has accomplished over the past four years. During the past four years, the office has

been very busy. The Criminal Division of the office reviewed nearly 25,000 cases that were presented for felony charges by 65 various law enforcement agencies, resulting in over 17,000 new approved cases. Over 13,000 felony cases were prosecuted, with 82% of them resulting in a conviction of the highest indicted charge. Over the past four years, the attorneys assigned to criminal trial dockets had nearly 200 jury trials and over 100 bench trials. Prosecutor Heck noted that these numbers are even more remarkable when you consider that most trials scheduled to be heard in 2020 were continued to dates in 2021 due to the pandemic.

The Child Abuse Bureau, located at Montgomery County's Child Advocacy Center, CARE House, has assistant prosecutors and victim advocates who specialize in cases involving child physical and sexual abuse. The prosecutors and advocates there handled over 250 felony child abuse cases in the last four years.

The Juvenile Division of the office reviewed nearly 6,100 cases, resulting in over 5,200 being accepted for prosecution. In addition, motions to transfer juveniles to be tried as an adult were filed on over 110 juveniles due to the serious nature of their crimes or their past involvement with the criminal justice system.

The Diversion Program returned hundreds of thousands of dollars in restitution to the victims of crime, while also helping first-time, non-violent offenders become productive and law-abiding citizens. The Criminal Non-Support section of Diversion collected over \$1,000,000 in court-ordered child support owed by non-custodial parents. The program has collected over \$13.5 million for the benefit of children since the program was established.

The Victim/Witness Division of the office provides crisis response services 24-hours-per-day, every day of the year to crime victims, especially those of violent crimes. During the past four years, the Division provided services to thousands of clients, and gave nearly 350 presentations to the community on topics including sexual assault, dating violence and online safety.

The Civil Division of the office provides legal advice and representation to other county elected officials, commissions, boards, and townships. During the past four years, the Division defended complex litigation in suits filed against the county in federal, state, and courts. In addition, the Division filed a very complex suit against opioid manufacturers and distributors seeking to recover money that taxpayers paid out for drug treatment programs, medical care, and other expenses the County experienced due to the opioid epidemic.

The Appellate Division, which handles appeals of trial court decisions in the Second District Court of Appeals, the Ohio Supreme Court, and the United States Supreme Court, has had a 92% success rate on prosecutor appeals filed, ensuring proper convictions are upheld.

Important Work During the Year of the Pandemic

The Coronavirus that emerged in the U.S. in early 2020 seems to have affected nearly every part of our lives. However, Prosecutor Heck recently took a look back

at the past year and noted that our office has accomplished quite a lot, despite the ongoing pandemic. In addition to the normal day-to-day functions of the office, there were many other notable accomplishments in 2020.

In February, we announced indictments against two local contractors who were targeting 2019's Memorial Day tornado victims.

In April, we announced the recognition of Child Abuse Prevention Month, and donated over 100 booster and child car seats to local parents. Also, the Victim/Witness Division was named a 2020 Honorary Awardee by the National Organization of Victim Assistance for their efforts to advance crime victims' rights.



During Child Abuse Prevention Month, Prosecutor Heck announced new billboards

In May, Prosecutor Heck announced the winners of the 2020 Violence Prevention Poster and Essay Contest. The best entries were awarded special prizes, like a new bicycle. The winning entries are included in the 2021 Violence Prevention Project calendar, which was mailed out in November.



A First Place award winner poses with the winning poster and the prize - a new bike!

In June, Prosecutor Heck announce his recommendations to improve local child abuse investigations, citing a disconnect between law enforcement, educators, and Children Services.

In August, Prosecutor Heck announced that going forward, any case of an officer-involved shooting that results in the death of a person will be handled and presented to the grand jury by an Assistant Prosecuting Attorney from an outside county. This is in an effort to increase the faith the public has that this process is fair and impartial.

In October, Prosecutor Heck announced the 2020 Champion of Children Award winner. Every year, a citizen who goes "above and beyond" in their effort to protect children from physical or sexual abuse is recognized for their extraordinary efforts.



Ms. Tiffany Martin, the 2020 Champion of Children Award winner with Prosecutor Heck

In November, Prosecutor Heck launched his YouTube channel. He said, "Press conferences and other events will be posted, and this will allow viewers to see the entire event, and not just the few seconds that air on local news."

In December, we held our 30th Annual Homicide Victim Memorial Service. Due to the ongoing pandemic, the event was held virtually. The event was streamed on YouTube, and the service has been viewed more than 1,000 times.

Prosecutor Heck added, "The pandemic caused many things to be canceled, from sporting events, concerts, movies, school, and even vacations. However, the hard work we do representing victims of crime and protecting children are critical functions and must continue without interruption."

Mr. Daniel J. Brandt Promoted to Chief of the Criminal Division

On January 7, 2021, Prosecuting Attorney Mat Heck, Jr. announced that after 39 years of distinguished service, the past 14 years as the Chief of the Criminal Division of the office, Mr. Leon J. Daidone indicated he will retire at the end of February. Mr. Daniel J. Brandt will be promoted the position of Chief of the Criminal Division.



Mr. Brandt graduated from the University of Toledo College of Law and joined the office in August 1997, assigned to the Child Support Enforcement Division. He subsequently was assigned to the Child Protection Unit, and then the Intake/Grand Jury Section before being assigned as a Docket Attorney in June 2000.

In 2004, Dan was promoted to Trial Team Supervisor, supervising a criminal trial team. In February 2007, he was promoted to his current assignment as a member of the Violent Crimes Bureau. This unit is staffed with the most experienced and outstanding assistant prosecutors in the office who handle homicide and other high-profile cases.



Ms. Lynda A. Dodd Promoted to Deputy Chief of the Criminal Division

Also on January 7, 2021, Prosecutor Heck announced the promotion of Assistant Prosecutor Lynda A. Dodd to the newly created position of Deputy Chief of the Criminal Division of the office.

Ms. Dodd graduated from the University of Dayton School of Law and joined the office in August 1997, assigned to the Child Support Enforcement Division. She was subsequently assigned to the Appellate Division, and in October 1999, she was assigned as a Docket Attorney. In August 2006, she was promoted to Supervising Attorney of the Intake/Grand Jury Section.

In March 2007, Lynda was promoted to Trial Team Supervisor and in June 2014 she was promoted to her current assignment as a member of the Violent Crimes Bureau.

Prosecutor Heck said, "Dan and Lynda have both handled numerous difficult cases. I believe they are both very talented prosecutors with the experience, knowledge, maturity, and temperament necessary to lead the Criminal Division."



New Assistant Prosecutor

On January 4, 2021, Ms. Elizabeth A. Ellis joined the staff of the office as an Assistant Prosecutor assigned to the Appellate Division of the office.

Ms. Ellis received her undergraduate degree in English Literature and Communications in 1997 from Denison University in Granville, Ohio. In 2001, she received her law degree from the University of Dayton School of Law.

For the past 18 years, she served as an Assistant Prosecuting Attorney in Greene County, Ohio, most recently as the Chief of the Civil Division.

Elizabeth lives with her husband and two children in Oakwood, Ohio.

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