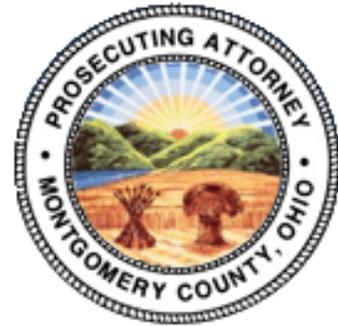


The Prosecutor's Report

Monthly news & updates



July 2021 | Vol. 3, Issue 7

June Sentences

Two New Legal Secretaries Join the Office

Ohio's New Stand Your Ground Law



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

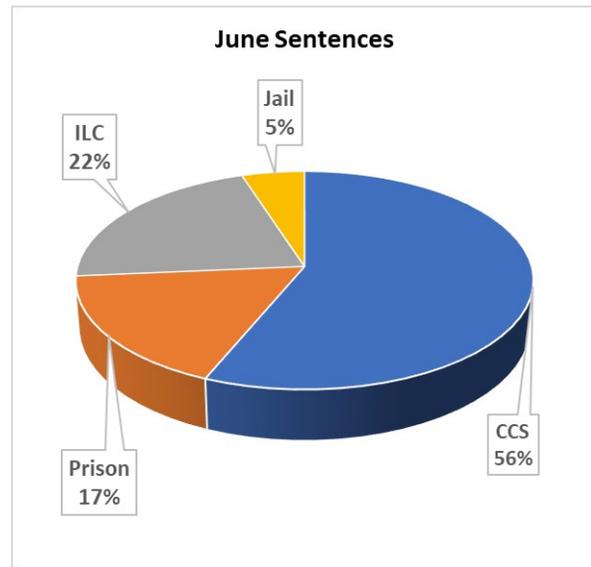
June 2021 Sentences

June Sentences

In June 2021, we disposed of 318 cases. The judges sentenced the

defendants in those cases as follows:

- 56.3% received Community Control Sanctions (probation)
- 17.3% were sentenced to the penitentiary
- 21.4% were granted Intervention in Lieu of Conviction (ILC)
- 5.5% received local jail time or local jail time plus probation



Some Notable Sentences:

- 6/11/2021 - **Anthony E. Gause** was sentenced to a total of 24 years to life in prison after being convicted of Murder, Felonious Assault, Tampering with Evidence, and Discharge of a Firearm On or Near Prohibited Premises. On May 29, 2020, Dayton police were dispatched to a residence on Manhattan Avenue on a report of a shooting. Upon arrival, they located the deceased victim, 24-year-old Jayven Kilgore, who had been shot once. Witnesses described an altercation that had taken place between the defendant and the victim. When the victim tried to run away, the defendant fired multiple shots, striking and killing the victim. Ms. Kimberly Melnick and Mr. Franklin Gehres were the assistant prosecutors on the case.
- 6/18/2021 - **Chaz Gillilan** was sentenced to 30 years to life in prison after being convicted of Murder, Felonious Assault, Aggravated Robbery, Aggravated Burglary, Tampering with Evidence, Possession of Criminal Tools, and Having Weapons While Under Disability. On December 30, 2018, armed individuals entered the victim's Miamisburg apartment to commit a robbery. During the robbery, shots were fired which struck two victims. Noah Kiser died from his injuries and a 14-year-old female victim was shot three times, including in the hand, in her chest, and through her face. The female survived her injuries. The defendant and three co-defendants, Jason Churchill, Dante English, and Daniel Simone were indicted on multiple counts in connection to the robbery and shootings. Ms. Lynda Dodd and Ms. Amber Mullaly were the assistant prosecutors on the case. The cases against the three co-defendants are pending.
- 6/23/2021 - **Damon Ellis** was sentenced to serve at least 8 years in prison after being convicted of Kidnapping and Endangering Children. On December 26, 2020, a neighbor called 911 after witnessing the defendant forcibly drag an 8-year-old boy from the defendant's Water Street apartment and place the child in the trunk of a vehicle. The caller reported that the child had no coat or shoes. It was only 20 degrees outside. The victim reported to police that the defendant had put him in the trunk of the car as a way to discipline him. In addition to the prison sentence, the defendant will be required to register as a

Violent Offender upon his release from prison. Ms. Kelsie Carson and Mr. Bryan Moore were the assistant prosecutors on the case.

New Staff Members

Ms. Maya A. Parker

On June 7, 2021, Prosecutor Heck announced that Ms. Maya A. Parker joined the staff of the office as a Legal Secretary assigned to the Appellate Division of the office.

Ms. Parker received her Associate degree in Political Science from Georgia State University in 2020. She is currently working towards her Bachelor's degree.

Most recently, Maya was employed as a postal clerk at the United State Post Office. Previously, she served as a Teacher Aid at Benjamin Prep School, and from 2014 to 2018 she was a Patient Access Specialist at Miami Valley Hospital.



Ms. Sarah M. Hamilton

On June 7, 2021, Prosecutor Heck announced that Ms. Sarah M. Hamilton joined the staff of the office as a Legal Secretary assigned to the Criminal Case Management Division of the office.

Ms. Hamilton received her Medical Billing Certificate in 2013 from Edison Community College in Piqua, Ohio.

For the past seven years, Sarah has served as the Office Manager at Carstar in Troy, Ohio. Previously, she served as a Human Resources Generalist at Plastipak Packaging.



Ohio's New Stand Your Ground Law

In January 2021, Ohio's new Stand Your Ground law was signed by the governor, and it became effective on April 4, 2021.

There seems to be a lot of confusion on what the law does. Essentially, the law removes the duty to retreat before using force. Previously, a person had a duty to retreat before using force unless the person was in their house or their vehicle. Now, there is no duty to retreat as long as the person is "in a place in which the person lawfully has a right to be."

What this change in the law means for prosecutors is that the burden has passed from the person using force to the prosecutor. In the past, if a person used force, even deadly force, and claimed self-defense, the burden was on them to prove why they were acting in self-defense. Now, the burden of proof has shifted to the prosecution to prove the shooting wasn't justified.

Some important considerations to be aware of include provisions that the person using force can not have started or created the situation, and can not have escalated the situation. Also, the person has to have an immediate fear of serious bodily harm or death, and have no other option other than to use force. Clearly, you can't justify shooting someone by simply claiming that you were scared.

How this change in the law effects our ability to prosecute someone for using force remains to be seen. However, it should be noted that a majority of states have similar laws.

Prosecutor Heck commented, "Even if you no longer legally have a duty to retreat, retreating, if at all possible, is still the safest and best method to avoid a situation where death or serious injury is possible. Your safety and the safety of others should always be your number one priority."

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