



The Prosecutor

newsletter from
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Prosecuting Attorney



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Spring 2020

Covid-19 Causes Disruptions, Brings Out the Criminals

The Covid-19 Pandemic quickly changed the world as we knew it. Everything from the way we interact with others, to how we work, shop, and dine is very different from the way it was in February.

The Montgomery County Prosecutor's Office, working in conjunction with other county agencies and departments, including the Common Pleas Court, is working hard to ensure we continue to deliver vital services to the public in a timely and safe manner. Through the use of the county's Virtual Private Network, most of our staff are working remotely from home at the time of this writing. Many judges are conducting hearings via video teleconferencing. However, the dates for many trials and other hearings that would require many persons to be in the courtroom have been delayed in the interest of maintaining a safe environment.

One thing that has remained unchanged is that the dishonest among us are taking advantage of a bad situation to try and cheat, steal, and scam others out of their hard-earned money. In addition to the stress of home-schooling our children and trying to get items from the local grocery, that seem to never be in stock, we also have to be aware of these new "Covid-19 Scams."

One known scheme is the selling of 'vaccine kits' that don't currently exist. Websites are appearing that claim the World Health Organization (WHO) is giving away vaccine kits, and you only need to pay for the shipping and handling. The scam website asks for your credit card information to pay for the shipping fee. This is a con! These websites are false and fraudulent. Do not give your credit card information to anyone claiming to sell vaccine kits. You should ignore offers for treatment, cures, or vaccines you see on the internet. If any of these become available, the first time you learn of legitimate treatments or cures will not be through an email or a website.

Other scams offer Covid-19 'testing kits' (which are not available to the general public through the mail at this time) and fake deals on hand sanitizer, wipes, and face masks. Other malicious websites seek donations for organizations that do not exist, or are very vague in their explanation on where your donation will be spent. You should independently verify companies, charities, or individuals who contact you during this time if you are not familiar with the organization. Donations are needed by legitimate charities, but donate wisely. The United States Federal Trade Commission (www.ftc.gov) offers details on valid organizations.

The U.S. Government is making direct payments to many citizens as part of a stimulus package. Unfortunately, there are thieves posing as agents who call (or robo-call) asking for your social security number or bank account information in order to deposit your check. Never give anyone who calls you your bank account or other personal information. The Government will not call you and ask for this information.

The U.S. Treasury Inspector General for Tax Administration has a website where you can report IRS scams related to the Covid-19 pandemic. (www.treasury.gov/tigta/contact.shtml#COVID)

In the meantime, our office is here to serve you. Please stay safe and healthy.

Prosecutor Heck Recognizes April as National Child Abuse Prevention Month

On Wednesday, April 1, 2020, Prosecutor Heck recognized the start of National Child Abuse Prevention Month, which occurs every April. He noted that the incidents of child abuse and neglect in our community remain unacceptably high. Over the past year, there have been far too many cases of children and infants being injured or dying from abuse and/or neglect in Montgomery County.

Prosecutor Heck said, “We know that 1 in 4 children are abused or neglected at some point in their lives and the effect that abuse has on those children can be long-lasting, both physically and mentally. All of us have an active role in helping to prevent child abuse and neglect. The assistance of the public in communicating and reporting incidents of suspected child abuse is crucial. As long as there is a single case of child abuse or neglect in our community, we need to do more. Every child deserves to be raised without fear of abuse or neglect.

“Today, under the current Coronavirus directives, people and families are even more stressed than usual. Children are out of school, many parents are out of work, and everyone is sheltering at home. This greatly increases the chances of child abuse as well as domestic violence occurring.

“As long as there is a single case of child abuse in our community, we need to do more.”

Teachers, typically a great source of referrals for suspected abuse, will not be able to see cases of abuse if the children are not in school. Now, more than ever, I ask every citizen in Montgomery County to help us by reporting suspected child abuse or neglect to either your local law enforcement agency or by reporting it to 937-224-KIDS (5437).”



ArriveSafe Program Cancelled Due to Covid-19 Orders

The ArriveSafe Program for St. Patrick’s Day was finalized and ready to proceed when the governor issued the first statewide orders to limit crowd sizes. Our Partners for the St. Patrick’s Day ArriveSafe program, Flanagan’s Pub, the Dublin Pub, AAA, and Heidelberg Distributing, were all disappointed that Dayton’s traditional St. Patrick’s Day celebrations would have to be cancelled. Making the shutdown even more heartbreaking was the fact that the NCAA First Four Tournaments, held at U.D. Arena, were also cancelled—in the year the University of Dayton Flyers were having their best year ever.

Everyone agrees that keeping our community safe is our goal, whether by offering ArriveSafe or by cancelling events in order to “flatten the curve” of Coronavirus infections. Hopefully, things will be back to normal in time for the July Fourth holiday celebrations. And if so, ArriveSafe will also be back to provide safe rides home.

Convicted Sex Offender to Spend Rest of Life in Prison

On January 31, 2020, Scott E. Pate, age 55, from Miamisburg, was sentenced to 10 consecutive terms of life in prison without the possibility of parole, plus an additional and consecutive 58 years-to-life in prison.

In March 2018, a seven-year-old girl disclosed to her parent that the defendant had sexually assaulted her and two other girls over a period of about three years. She also disclosed that the defendant had showed the girls adult pornography.

Miamisburg police officers obtained a search warrant for the defendant's residence and found evidence corroborating the allegations.

On April 1, 2019, the defendant 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. At that time, we stated that we believed that there may be additional victims, and asked that they contact the Miamisburg Police Department. It was then learned that the defendant had sexually assaulted another child in 2004.

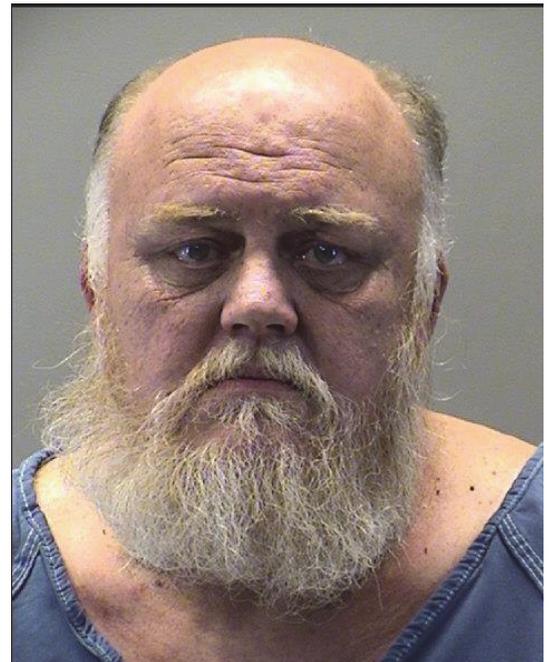
The defendant was indicted for four additional counts of unlawful sexual conduct with a minor on May 1, 2019. Additionally, Sexually Violent Predator (SVP) specifications were added to the original 22 counts in the indictment.

On October 7, 2019, after a trial, the jury returned verdicts of guilty as charged on all but one of the counts. A second trial before the judge occurred on December 20, 2019, on the SVP specifications. The court found the defendant guilty as charged on the specifications, which carry a mandatory life without parole sentence.

On January 31, 2020, the court sentenced the defendant to the maximum possible sentences on all counts and specifications, and ordered that they be served consecutively.

Prosecutor Heck commented, "This defendant, a true sexual predator, will spend the rest of his life in prison, where he will be unable to sexually assault any more children. Shockingly, this defendant has never shown any remorse for his actions. The defendant was a 'family friend' of the victims' families, which makes his actions even more despicable. Cases like this should serve as a reminder to parents and caregivers that it is critically important to always be aware of who your children are with and what they are doing."

Assistant Prosecutors Kelly Madzey and Franklin Gehres were the prosecutors who handled this criminal case.



Prosecutor’s Office Staff Work Anniversaries

Congratulations to the following staff of the Montgomery County Prosecutor’s Office who celebrated work anniversaries in January, February, or March:

January Anniversaries

- 28 years—Tonya Rader, 1/13/1992
- 22 years—Erin Claypoole, 1/5/1998
- 21 years—Todd Ahearn, 1/4/1999
- 11 years—Linda Henderson, 1/5/2009
- 8 years—Tony Schoen, 1/2/2012
- 4 years—Holly Creekmore, 1/4/2016
- 3 years—Bryan Moore, 1/3/2017
- 3 years—Brooklyn McGinnis, 1/30/2017
- 1 year—Franklin Gehres, 1/22/2019

February Anniversaries

- 25 years—Diane Williams, 2/6/1995
- 25 years—Margie Kern, 2/6/1995
- 21 years—Nancie Chaille, 2/22/1999
- 13 years—Dianna Clutter, 2/5/2007
- 12 years—Terri Maruca, 2/29/2008
- 3 years—Michael Allen, 2/21/2017
- 2 years—Carly Arnold, 2/5/2018
- 1 year—Jennifer Comes, 2/11/2019
- 1 year—Meggan Lanahan, 2/20/2019

March Anniversaries

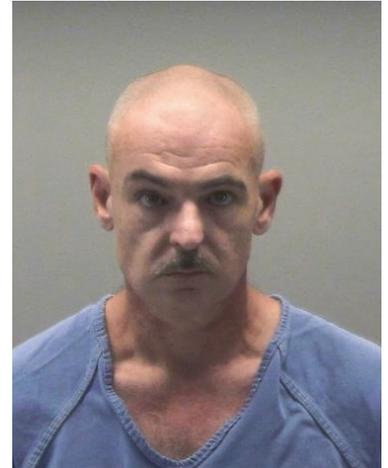
- 25 years—Laura Mariani, 3/6/1995
- 6 years—Jessica Newsom, 3/10/2014
- 4 years—Alex Lesko, 3/15/2016
- 1 year—Shaina Hombach, 3/11/2019
- 1 year—Lisa Light, 3/25/2019



Apartment Maintenance Worker Sentenced to 160 Years to Life

On March 19, 2020, Richard J. Gibson, age 53, from Dayton, was sentenced to 160 years to life in prison.

Between November 2010 and November 2013, the defendant raped the victim multiple times. The sexual assaults started when the victim was just 9 years old. In 2019, the victim disclosed the assaults, and the Riverside Police Department investigated the allegations.



The defendant did maintenance work at the apartment complex where the victim resided.

On October 25, 2019, the defendant was indicted for 16 counts of rape of a child under 13 years of age.

On February 27, 2020, after a trial, a jury found the defendant guilty as charged on all counts.

The defendant was sentenced to maximum, consecutive sentences on all counts, for a total of life in prison and the defendant will not be eligible for parole until he has served 160 years.

Prosecutor Heck added, “This defendant befriended the victim, groomed her, and then raped her many times over the next three years. The defendant even got the little girl’s name tattooed on his arm. Shockingly, the defendant has never admitted any wrongdoing. He deserves to spend the rest of his life in prison where he cannot harm any other children.”

Assistant Prosecutors Dylan Smearcheck and Victoria Nilles were the prosecutors who handled this criminal case.

Staff Updates

Since the last edition of *The Prosecutor*, we have hired two additional staff members to replace retiring staff or those who left to pursue other employment, and assigned an assistant prosecutor to a key position in the office:

On January 6, 2020, **Mr. Donald B. Leist** joined the staff of the office as an Assistant Prosecuting Attorney, assigned to the Civil Division of the office. Don received a Bachelor of Arts degree in History from DePaul University, in Chicago, in 1985. He received his law degree from the University of Illinois School of Law in Champaign, Illinois in 1988. For the past five years, Don was the city attorney for Peoria, Illinois. Prior to that, he was the equal-opportunity and legal-affairs officer for the McHenry County (Illinois) Sheriff's Office.

On February 3, 2020, **Ms. Sarah S. Jankowski** joined the staff of the office as the Office Messenger. Sarah attended Sinclair Community College, where she studied Liberal Arts, with an emphasis on History. Previously, Sarah work for various retain businesses and gained experience in customer service and management. Sarah and her husband reside in Kettering.

On February 20, 2020, Assistant Prosecuting Attorney **Bryan R. Moore** was assigned to the Child Abuse Bureau of the office. Mr. Moore received his law degree in 2009 from Capital University Law School in Columbus, Ohio. He received his undergraduate degree in 2006 from Miami University in Oxford, Ohio, majoring in Business. Previously, Bryan was an Assistant Prosecuting Attorney in Licking County, Ohio, handling felony criminal trials. Bryan joined our office in January 2017, and was assigned to the Intake/Grand Jury Section of the office, before being promoted to Criminal Docket Attorney in July 2017. As an Assistant Prosecuting Attorney in the Child Abuse Bureau, Bryan will prosecute felony child abuse cases, including cases of both physical and sexual abuse.

Statistically Speaking...

Every year, the staff of the Prosecutor's Office is very busy. While the Criminal Division is the most visible section of the office, being the focus of the most news coverage, there are many divisions and sections that comprise our office. Here are some interesting statistics from 2019 that may interest you.

The Assistant Prosecutors in the Child Protection Unit attended 2,627 hearings in court. These hearings typically concern the legal removal of a child from a household due to abuse or neglect.

The Diversion Unit of the office collected over \$230,000 in restitution. The Diversion Program is offered to non-violent, first-time adult felony offenders who admit their guilt and demonstrate the ability to make full restitution to their victim. Participants are approved only if the arresting police agency and the victim agree to the program.

The Montgomery County Grand Jury heard 3,962 cases. The Grand Jury is typically a four month service commitment, and they hear cases from 8:30 am to 4:30 pm, Monday through Friday. Another fun fact—the jurors are paid \$15 per day for their service!

The Assistant Prosecutors in the Criminal Division reviewed 6,263 filings from law enforcement seeking felony criminal charges.

The Assistant Prosecutors in the Juvenile Delinquency Division approved charges in 1,667 cases involving juveniles who committed crimes in 2019.

The Montgomery County Prosecutor's Office

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By phone:

- Main Office (937) 225-5757
- Appellate Division (937) 225-4117
- Child Abuse Bureau (937) 641-4545
- Civil Division (937-225-5654
- Child Protection Unit (937) 276-6580
- Consumer Fraud Unit (937) 225-4747
- Diversion Unit (937) 225-4864
- Juvenile Division - (937) 225-4253
- Grand Jury/Intake - (937) 225-3498

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