

THE PROSECUTOR

A NEWSLETTER FROM

MAT HECK, JR.

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Spring 2009

Defendant in Multiple Burglaries in South Park Neighborhood Sentenced

Earlier this year, Obong Obongerpeng was sentenced to prison for a total of seven years after his convictions on multiple counts of Burglary. The defendant repeatedly broke into and stole items from homes in Dayton's Historic South Park neighborhood.

This defendant has a lengthy criminal history and over the years has provided law enforcement with at least five different names and spellings. In 2007, the defendant pled guilty to Trafficking in Controlled Substances, and was given probation by the Court. Just one month later, he pled guilty to Breaking and Entering. The Court again sentenced him to probation, and ordered him to complete the Monday Program.

After his conviction in the 2009 case, in which he was charged with two counts of Burglary and one count of Receiving Stolen Property, Prosecutor Heck asked that the defendant finally be sentenced to the penitentiary. Heck said, "This defendant has shown nothing but a lack of respect toward the judicial system. He has been given multiple opportunities to learn from his mistakes by being placed on probation. He has disregarded the law despite such rehabilitative efforts. The community needs to be sent a message that the judicial system takes these kinds of crime sprees seriously."

The defendant is incarcerated at the Chillicothe Correctional Institution and is scheduled to be released on September 27, 2015.



Donnie Ray Taulbee Sentenced To 18 Years

On February 26, 2009, 35 year old Donnie Ray Taulbee received a sentence of 18 years for his conviction of seven felony counts of Burglary.

During November and December, 2008 the defendant burglarized homes located in Butler Township, Centerville, Clay Township, Dayton, Englewood and Miami Township.

At the time of the burglaries, the defendant was on probation for committing multiple felonies including receiving stolen property, grand theft of a motor vehicle, breaking and entering, vandalism and theft.

The defendant was sentenced to consecutive two year sentences on each of the burglary counts he was convicted of in these cases, and received an additional four years incarceration as a consequence for committing crimes while on probation. The additional four years incarceration was ordered to be served consecutively, making his total sentence 18 years in prison.

Mat Heck, Jr. said, "This defendant, despite being given probation after committing prior offenses, still committed seven additional break-ins in Montgomery County. He forced entry into all seven homes, and took a number of items, some of which held sentimental value to the victims. This defendant robbed these victims of the feeling of safety and security in their homes."

Prosecutor Announces Juvenile Diversion Program Program for Teens Caught “Sexting”

On March 4, 2009 Montgomery County Prosecuting Attorney Mat Heck, Jr. along with Juvenile Court Administrative Judge Nick Kuntz and Juvenile Court Judge Anthony Capizzi announced that the Prosecuting Attorney’s Office will begin a diversion program for teens accused of “Sexting”. This is the term given to the act of juveniles sharing sexually explicit or nude cell phone photos of themselves or others.



This relatively new practice among our teen population is a widespread problem – one recent study reports that one in five teens say they have sent or posted on-line nude photos of themselves, and 31% report having received a nude or semi-nude photo from someone else. Approximately two-thirds of these photos are to or from a boyfriend or girlfriend.

Under Ohio law, which makes no distinction on age of the offender or circumstance, sending erotic photos of minors can be a felony crime. A conviction under the felony statutes could include designation as a Tier I or Tier II sex offender requiring registration for 10 or 20 years.

Prosecutor Heck said, “In some cases, the act of “sexting” appears to be a result of our teens not understanding appropriate sexual boundaries and not thinking of the consequences of their actions.”

Under the program, juveniles who are charged with ‘sexting’ will be screened by a Diversion Officer of the Montgomery County Prosecutor’s Office to determine if diversion is appropriate. If accepted

into the diversion program, the juvenile will be under supervision for a minimum of six months, agree to relinquish his/her cell phone for a period of time, perform community service and attend at least four hours of appropriate and specific education. The educational component will focus on the legal ramifications, the effects on the victim, establishing age appropriate sexual boundaries, and responsible use of the internet, cell phones and other communication devices.

If the program is successfully completed, the charges pending against the juvenile will be dismissed. If it is determined the juvenile does not meet the criteria to be considered for the diversion program, or the juvenile refuses to participate and cooperate, then charges will be filed with the Juvenile Court.

Heck continued, “Certainly, we all want to keep our teens safe from sexual predators and we will not tolerate child pornography being disseminated in our community. However, in some cases, charging a juvenile with a felony and labeling them a sexual offender when their actions were clearly a result of poor judgment and ignorance of the law seems harsh for first time offenders. It is our belief that this type of activity must be addressed and stopped, and in many cases will best be addressed by education and parental involvement.”

Defendants Convicted in Covault Market Robbery / Shooting Sentenced

Michael A. Purdue and Brandon R. Phillips were convicted for the shooting deaths of Roger Covault and Robert Harris that occurred during a robbery attempt at Covault Market on Wayne Avenue, Dayton, on August 21, 2007.

On January 9, 2009, Phillips was sentenced to two consecutive life sentences without parole plus an additional 46 years incarceration. Purdue was sentenced on January 27, 2009 and received a life sentence. Purdue will not be eligible for parole until after serving at least 61 years.

***Project Detention* Announced Program to Address Juvenile Offenders**

On March 11, 2009, Prosecutor Mat Heck, Jr., with Sheriff Phil Plummer, Dayton Police Chief Richard Biehl, Superintendent of the Dayton Public Schools Dr. Kurt Stanic, the President of the Dayton School Board Mr. Jeff Mims, Jr., and Ms. Julie A. Bruns Chief of the Juvenile Division of the Montgomery County Prosecutor's Office announced "*Project Detention*", because of an alarming trend recently in the number of juveniles involved in violent crimes, especially as it relates to those committed on school grounds.

Locally, there have been a number of disturbing incidents in just the past few months involving juveniles.

On February 18, 2009, two 16 year old students walking home from Dunbar High School attempted to break into a home to steal a gaming system. Both defendants were charged with a third degree felony of Attempted Burglary.

On February 19, 2009, a fight broke out at Meadowdale High School between eight juveniles ranging from 14 to 17 years of age. All eight have been charged with a felony count of Aggravated Riot and a misdemeanor count of Disorderly Conduct. One student was on probation for Criminal Trespass and Disorderly Conduct at the time of the incident. During the fight, security surveillance cameras captured four additional juveniles flashing 'gang signs' to those involved in the fight. Each of those four juveniles were charged with misdemeanor charges of Inciting to Violence and Failure to Disperse. Three of the four were on probation at the time of the incident.

On February 24, 2009, a 17 year old was involved in a fight at the intersection of Third and Main Streets. When Dayton Police officers attempted to take the youth into custody, he assaulted the officers, and kicked out the window of a police cruiser. This juvenile, who is already on probation for Assault of a Peace Officer and Obstructing Official Business, has been charged with Inducing Panic, Vandalism, Resisting Arrest and Assault on a Peace Officer. Additionally, a motion was filed to transfer this juvenile to adult court.

On March 3, 2009, a 15 year old student at

Wilbur Wright School assaulted a teacher while looking for his cell phone. The juvenile squeezed the teacher's hand until she dropped his phone, then he elbowed her in the chest. The juvenile was charged with Felonious Assault. The student was already on probation for Domestic Violence and Criminal Trespass.

On March 9, 2009, a 16 year old student at Longfellow School was discovered to have brought a handgun to school. School security located the gun in the hood of the student's coat. He has been charged with a fifth degree felony of Illegal Conveyance of a Deadly Weapon on School Premises and a misdemeanor charge of Carrying a Concealed Weapon.

At the press conference, Prosecutor Heck said, "In all of these incidents, students have acted out violently and committed criminal acts. We are here today to take a stand and to send a unified message – this type of behavior and criminal activity will not be tolerated. Our community expects our schools to be safe centers for learning, not a place of violence. We do not tolerate this behavior from adults in our community, and we will not tolerate it from our juveniles. Take note – if you are going to be disruptive, then your "detention" could well be spent in a correctional facility."



***ArriveSafe* to Offer Free Cab Rides Over July 4th Holiday Weekend**

ArriveSafe, the program introduced in December 2007, has been a huge success. To date, over 500 intoxicated drivers have taken advantage of a free cab ride home. Prosecutor Heck will again be offering a free cab ride home for Montgomery County residents on Independence Day weekend. Call 449-9999 for more information.

Prosecutor Briefs

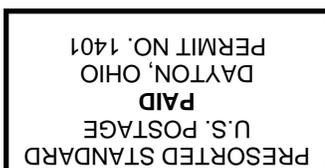
The following are staff additions since our last newsletter:

Linda Henderson joined the office in January as the main office receptionist. Linda worked for the Montgomery County Clerk of Courts from November 1989 until she started with our office.

Ciara Nelson joined the office in March as an Assistant Prosecutor assigned to the Child Protection Unit. She is a 2008 graduate of the Thomas M. Cooley Law School in Lansing, Michigan.

Timothy Cole joined the office in April as an Assistant Prosecutor assigned to the Child Protection Unit. Tim is a 2008 graduate of the University of Dayton School of Law.

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, contact: Mr. Greg Flannagan at 937-225-5610 or e-mail flannagang@mcoho.org.



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