

The Prosecutor

newsletter from
Mat Heck, Jr.
Prosecuting Attorney



Dayton-Montgomery County Courts Building, P.O. Box 972, 301 W. Third St., Dayton, OH 45422 (937) 225-5757

Spring 2010

Suspect in 1991 Homicide Identified, Indicted; Takes Own Life

On Wednesday, February 3, 2010, the Montgomery County Grand Jury indicted 43-year-old Tommy L. Swint of Phenix City, Alabama. Just hours later, Swint fatally shot himself. The indictment was filed for the murder of Tina Ivery, whose partially naked body was found on December 17, 1991 in Jefferson Township, Ohio. The victim's body was discovered in a trash pile off of Dayton-Liberty Road by some workers clearing brush from the side of the road. The Coroner determined the cause of death was strangulation. Although no suspects were identified at the time, a re-examination of the evidence uncovered new information, including DNA that lead investigators to the defendant.

With the suicide of the defendant, the case is now closed.

Defendant in Union Double Homicide Sentenced

On January 14, 2010, 37-year-old Gary Kyle Marshall was sentenced to serve two consecutive life sentences, without possibility of parole, plus an additional 33 1/2 years incarceration.

The defendant pled guilty as charged to bludgeoning his parents, Susie and David Marshall, to death in their Union, Ohio home in July, 2009. The defendant was convicted of two counts of aggravated murder, two counts of aggravated robbery, two counts of felonious assault and one count of grand theft of a motor vehicle.

Prosecutor Heck Becomes President of the National Children's Alliance

In January, Prosecutor Heck became the President of the National Children's Alliance (NCA), whose headquarters are in Washington, D.C. The NCA is the accrediting agency for all child advocacy centers throughout the nation. The NCA also provides training, support and technical assistance to these local child advocacy centers. Child advocacy centers, like Dayton's CareHouse, consist of multidisciplinary teams comprised of doctors, counselors, social service agencies, law enforcement and prosecutors who collaborate to investigate, prosecute, and prevent child abuse, as well as provide assistance and support to the victim.

The National Children's Alliance has accredited over 700 child advocacy centers across the country that provided services to over 254,000 child victims last year.

Horrific Crime Lands Cold Blooded Killer Life In Prison

On December 16, 2008, Charlie Myers, age 23, stole a car from a parking lot near Ohio State University in Columbus Ohio. Inside that car were personal items belonging to a family from Harrison Township, Ohio, who were attending a concert that night in Columbus.

On January 2, 2009, the defendant drove that car to the owner's home, armed with a loaded shotgun. When the defendant kicked in the door of the home, he found Jenny Nelson and her 4 year old son. The defendant forced the pair to the basement of the home and tied Ms. Nelson to a chair. He then proceeded upstairs with the child and sexually assaulted him. Meanwhile, the mother was able to untangle her restraints and, armed with a kitchen knife, confronted the defendant. The defendant was stabbed by Ms. Nelson before the defendant fatally shot her twice with the shotgun.

The defendant then fled the scene, taking the child and a number of household items, including Ms. Nelson's cell phone. On his way back to Columbus, the defendant abandoned the child at a rest area off I-70 near the Madison-Clark County line. The child was spotted by an out-of-state couple, who called the police when the child reported that a man had killed his mommy. When Montgomery County Sheriff Deputies responded to the victim's address, supplied by her four-year-old son, they found her body.

A trace of the victim's cell phone found that calls had been made to a Columbus residence. Armed with this information, Columbus Police and FBI agents made way to the Columbus address where they found items that had been taken from the Harrison Township residence.

The defendant was indicted on a total of twenty felony counts, including death penalty specifications, on January 15, 2009.

On February 19, 2010, the defendant entered a guilty plea to all counts in the indictment in exchange for dismissing the death penalty specifications. The defendant was sentenced to serve a life sentence without the possibility of parole, plus an additional 49 years.

Congratulations to the trial team on this positive resolution to a horrific crime—Prosecutor Mat Heck, Jr. and Assistant Prosecutors Tracey Tangemen and Kelly Madzey. Special thanks to Victim Advocate Regina Hankins for her assistance.

Pair Involved in Violent Huber Heights Home Invasion Sentenced

In February, 2009 two men, Demetrius Ewing and Anthony Jones, forced their way into an apartment on Misty Lane in Huber Heights with the intention of committing a robbery. During the incident, the resident was shot in the groin, while other people inside the apartment were beaten, robbed and tied up or handcuffed.

On February 23, 2010, the defendants were sentenced for their convictions of aggravated burglary, kidnapping, aggravated robbery, felonious assault and other charges in connection with this violent home invasion. Defendant Ewing was sentenced to serve 31 years in the penitentiary, while defendant Jones was sentenced to 37 years.

ARRIVESAFE Keeps Roads Safer

The very successful and popular *ArriveSafe* program was offered over the 2009 Christmas and New Years weekends. A total of 162 cab rides were given. This brings the total number of *ArriveSafe* rides home to 983 since first offered on the Christmas weekend of 2007.

Prosecutor Heck said, "I am very proud of this program. There is no question that removing nearly 1,000 impaired drivers from our streets over the past two years has saved lives. Hopefully the word is out that we are serious about getting you home safely if you have had too much to drink. The life you save by calling *ArriveSafe* may be your own!"

Individuals driving while intoxicated is a significant problem. In the first six months of 2009, the Ohio State Highway Patrol made 302 Operating a Vehicle Under the Influence of Alcohol or a Drug of Abuse (OVI) arrests. Montgomery County is 4th in the State of Ohio for the number of OVI arrests.

From January through November 2009, there were 252 OVI related traffic crashes in Ohio, resulting in 13 deaths.

Harrison Township Nuisance Closed

On February 23, 2010 a permanent injunction was filed against the owner of the North Plaza Inn at 3636 North Dixie Drive, Harrison Township. This comes after a temporary injunction was filed and the hotel closed and boarded up on November 18, 2009.

The North Plaza Inn had been a blight in the Harrison Township neighborhood. Neighbors had complained about prostitution and drugs at the location. Records show that in the two-and-one-half years before the temporary injunction was filed, the Sheriff's Office responded to more than 1,900 calls to the hotel.

After numerous requests to the out-of-state owner to clean up the property and provide security, the Prosecutor's Office filed a complaint in Common Pleas Court seeking to have the property shut down as a public nuisance. After a hearing lasting four days, the Court found "the overwhelming evidence of the general reputation of the North Plaza Inn as a place where prostitutes gather to solicit customers and where crack cocaine is sold, consumed and purchased" was enough to issue the temporary injunction.

Now that the permanent injunction has been issued, it means the North Plaza Inn will remain closed for at least one year.

Embezzling Employee Sentenced to Prison For Nine Years

Angela K. Arde, 41, of Brookville was sentenced to serve nine years in the penitentiary on February 3, 2010. In December 2009, the defendant entered a guilty plea to three felony counts relating to the theft of nearly \$349,000 from her employer. Arde, who was a trusted employee and friend of the family, served as their bookkeeper and over a four period she wrote checks to herself, then deleted the records of those checks from the employers' computer system.

In addition to the prison sentence, the defendant was ordered to make full restitution to the victims.

Prosecutor's Office Retirement Updates

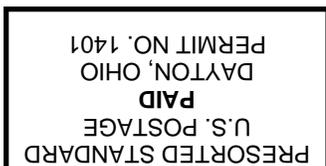
In 2009, as a result of retirements and County offered cash incentives to county employees to encourage them to take a voluntary separation to combat budget woes, we said goodbye to the following:

- Rhonda Barner, Director, Victim/Witness Division, retired after 33 years
- Cindy Rawlins, Secretary, Diversion, retired after 30 years
- Kenneth Pohlman, Supervising Attorney, Consumer Fraud Unit, retired after 30 years
- Jane Gulasa, Secretary, Grand Jury / Intake, retired after 29 years
- Paul Folfas, Assistant Prosecutor, Juvenile Division, retired after 22 years
- Donna Schaser, Secretary, Criminal Case Management, after 20 years
- Jim Codispoti, Investigator, Criminal Non-Support, retired after 17 years
- Robert Guehl, Assistant Prosecutor, Civil Division, after 3 years

Also, John Poling, Criminal Division Records Manager, retired on March 31, 2010 after 30 years of service with the county.

We wish all our friends the best and thank them for all their years of service to our community!

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