



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

Summer 2020

Crime Victims' Rights Victim/Witness Division Nationally Recognized

Each year, millions of Americans are affected by crime, and many will require ongoing support and assistance. This year, April 19-25 was designated as National Crime Victims' Rights Week.

National Crime Victims' Rights Week is recognized every year and is a time to celebrate the progress achieved for victims, raise awareness of victims' rights and services, and stand with the families, neighbors, friends, and colleagues whose lives have been forever altered by crime.

Every year, as part of National Crime Victims' Rights Week, the National Organization of Victim Assistance (NOVA) recognizes exemplary programs that provide services to victims of crime. This year, Prosecutor Heck's Victim/Witness Division was nominated for this recognition by colleagues who collectively recognize the critical impact the Victim Advocates make daily. The Montgomery County Prosecutor's Office Victim/Witness Division was named a NOVA 2020 Honorary Awardee for their tireless efforts to advance crime victims' rights.

Andy Yurick, President of the Board of Directors of NOVA, in announcing the recognition of the Victim/Witness Division said, "Most significantly, the extraordinary compassion, leadership, and ingenuity in your work has helped countless victims and survivors begin to heal in the aftermath of a crime."

Prosecutor Heck added, "I am especially proud of the work my advocates do every day to help the victims of crime. The recognition by NOVA of my Victim/Witness Division's dedication to ensuring victims receive the services they need is well deserved. My office is committed to making our services accessible to victims of crime and to building relationships across the community in order to ensure victims' rights."

Annually, the Victim/Witness Division participates in Crime Victims' Rights Week to highlight the services provided to victim of crime in Montgomery County. Even during the COVID-19 pandemic, the victim advocates are continuing to provide support services to child victims, elder victims, victims of domestic violence, and to victims of sexual assault. We also reach out to families who have lost a loved one to homicide to offer emotional support, advocacy, and assistance.

2020 Sentencings for Convicted Felons

For the first six months of 2020, a total of 1,197 defendants were sentenced after being convicted in Common Pleas Court. Nearly half, 49.4%, were given "Community Control Sanctions" or Probation, as it is commonly known. Approximately 22.6% were sentenced to the penitentiary. Some defendants, 21.4%, were granted Intervention in Lieu of Conviction (ILC), in which drug and/or alcohol dependent defendants who commit low-level non-violent offenses can have their charges dismissed after completing court-ordered treatment. Finally, 6.6% of the defendants were sentenced to local incarceration.

COVID-19 Pandemic Puts Children at Risk

The worldwide pandemic of 2020 has had wide-ranging impacts on the daily lives of nearly everyone. Social distancing, isolation, home schooling, and stay-at-home orders mean that everyone is together in their homes all day. The normal stresses of daily life are magnified when you cannot leave.

Children, especially, are at risk in these situations. With children being home-schooled or in virtual classrooms, the chances of child abuse are greatly increased. School teachers are typically a great source of referrals for suspected child abuse. With no in-person meetings between educators and students, teachers will not be able to see cases of abuse or neglect, and will be unable to report their concerns to authorities.

“Kids in crisis can’t wait until the end of the virus.”

Our office remains committed to holding accountable those who abuse or neglect children, even during a pandemic. One way the community can help is to be on the lookout for signs of abuse or neglect in your neighborhood or elsewhere. If you see or suspect abuse is occurring, report it to the local law enforcement agency or to Montgomery County Children Services at 937-224-KIDS (5437).

Prosecutor Heck said, “If you see something, say something. It might be more important now than ever before. Kids in crisis can’t wait until the end of the virus. Especially during the lockdown, we all need to recognize when children need to be protected and take action.”

Prosecutor’s Office Returns Fully to Normal Operations

During the pandemic stay-at-home directives from the Governor’s Office, the Montgomery County Prosecutor’s Office maintained normal office schedules, but with a vastly different approach to ‘in-office’ staffing. In April, May, and June, most of the staff worked on split shifts to minimize person-to-person contact. Most employees worked in the office for a half-day and then worked the other half of the day from home. This simple change reduced the number of people in the office by 50%.

Meetings, interviews, and even some court events were completed by video-teleconferencing whenever possible. The Montgomery County Grand Jury was suspended for approximately three weeks, before returning to regular jury duty. Nearly all trial dates were vacated until a method of returning to normal in a safe manner could be established.

In August, all Prosecutor’s Office staff returned to normal “in-office” hours and operations. Like nearly everywhere else, our office is requiring all visitors to have their temperature taken and wear face coverings. Staff are required to wear face coverings when in common areas or halls. Plastic shields have been installed in all the locations where our office staff interact with the public. Hand sanitizer stations have been placed throughout our various offices.

Prosecutor Heck said, “The COVID-19 Pandemic has affected everyone in some fashion, but throughout the shutdowns and lockdowns, my office strived to operate to provide all the services the residents of Montgomery County have come to expect. At times it wasn’t easy, but my dedicated and loyal staff did a great job in keeping everything operating as smoothly as possible.”

Law Clerks Start Summer Internships

Every year, our office has a number of law school students who work as interns over the summer break. Each law clerk is assigned to one of the various divisions within the office. Half way through the summer, the law clerks are rotated to a different division. This gives the students a chance to get a taste of what it's like to work in a real law office and also gives them the chance to perform work in a couple of different areas of law.

Over the years, a number of summer law clerks have returned to our office to be hired as Assistant Prosecuting Attorneys after graduating from law school and passing the Ohio Bar Examination. These new attorneys always are excited to get their first job as an attorney and Prosecutor Heck is always proud to be able to offer them a chance to give back to the community by being employed in the public sector.

This years summer law clerks are:

Bailey Brewer, who will start her second year at Rutgers Law School in Newark, New Jersey in the fall.

Sarah Chaney, who will start her second year at the Indiana University Maurer School of Law in Bloomington, Indiana in the fall.

Jaren Hardesty, who will start his second year at the University of Dayton School of Law in the fall.

Alyssa Hayman, who will start her second year at the University of Dayton School of Law in the fall.

Gina Iacovangelo, who will start her second year at the University of Dayton School of Law in the fall.

Michael Keller, who will start his second year at the University of Minnesota Law School in Minneapolis, Minnesota in the fall.

Heiela Salhieh, who will start her second year at the University of Dayton School of Law in the fall.

Prosecutor Heck said, "Seeing how a law office operates 'behind the scenes' and having the ability to attend hearings and trials is always very beneficial to law school students. We encourage our law clerks to watch court events and help with research and writing assignments under the supervision of our assistant prosecutors. This practical experience helps them to see the various issues that come up on a daily basis.

"I am also happy we can provide a summer work experience to our clerks currently attending college. Hopefully, these students will go on to attend law school after graduation and eventually pursue a career as an attorney."

Our clerks this year are:

Lydia Diabate-Tonne, will continue to pursue her undergraduate degrees in Human Rights and Political Science at the University of Dayton in the fall.

Matt Smith, will continue to pursue his undergraduate degree in English at The Ohio State University in Columbus, Ohio, in the fall.

Prosecutor's Office Staff Work Anniversaries

Congratulations to the following staff of the Montgomery County Prosecutor's Office who celebrated work anniversaries in April, May, June, or July:

April Anniversaries

24 years—Myra Wilburn, 4/8/1996
 23 years—Lora Jonas, 4/12/1997
 18 years—Jennifer Weber, 4/26/2002
 2 years—Eric Whitelow, 4/3/2018
 2 years—Victoria Nilles, 4/9/2018
 1 year—Kaylin Ely, 4/18/2019
 1 year—Jamie Robinson, 4/22/2019

May Anniversaries

38 years—Debra Armanini, 5/27/1982
 31 years—Greg Spears, 5/1/1989
 20 years—John Amos, 5/17/2000
 12 years—Kelly Madzey, 5/20/2008
 6 years—Megan Lucking, 5/1/2014
 6 years—Jonathan Sauline, 5/12/2014
 3 years—Sarah Hutnik, 5/1/2017
 2 years—Nathaniel Peterson, 5/21/2018
 2 years—Matthew Joseph, 5/29/2018
 1 year—Ashley Scarpelli, 5/29/2019

June Anniversaries

16 years—Maggie Carper, 6/14/2004
 15 years—Barbara Dodd, 6/15/2005
 6 years—Dylan Smearcheck, 6/26/2014
 5 years—Trent Sulek, 6/1/2015
 5 years—Tara Poteet, 6/29/2015
 4 years—Alyse Rettich, 6/27/2016
 3 years—Thomas Schutzman, 6/12/2017
 3 years—Scott Martin, 6/12/2017
 3 years—Thomas Brodbeck, 6/12/2017
 2 years—Kaitlin Fine, 6/1/2018

July Anniversaries

38 years—Sandra Hunt, 7/6/1982
 14 years—Skye McKenna, 7/31/2006
 5 years—Melissa Zawadzki, 7/27/2015
 4 years—Kerry Smoot, 7/5/2016
 3 years—Shaun McPherron, 7/17/2017
 3 years—Amber Mullaly, 7/24/2017
 3 years—Joshua Shaw, 7/31/2017
 2 years—Alison Nickles, 7/9/2018
 2 years—Lisa Bruder, 7/9/2018
 1 year—Courtney Hensley, 7/22/2019
 1 year—Chelsea Strong, 7/29/2019

Prosecutor Heck Issues Statement Regarding the Killing of George Floyd

On June 3, 2020, Prosecutor Heck issued a public statement regarding the death of George Floyd. Prosecutor Heck stated, "As the Montgomery County Prosecuting Attorney, I want the citizens of our community to know that I not only hear your voices of protest, but I want to add my voice to your cause in seeking justice for the death of George Floyd.

"Kneeling on the neck of a person and causing their death is nothing less than murder, a heinous crime for which the person or persons responsible must be charged, convicted, and held accountable. The fact that the perpetrator is a police officer makes the crime even more despicable. The protests in Dayton and around the nation demonstrate that people are fed up with the unfair treatment and violence that African-Americans have received by some in law enforcement. The tragic and senseless death of George Floyd in Minneapolis was the latest horrific example that ignited the frustrations and pent up anger many have felt for years. Many other leaders from around the country, including sheriffs, chiefs of police, mayors, and governors, have publicly stated that what happened in Minneapolis is patently outrageous and unacceptable. I totally agree.

"I support and stand with lawful protests of injustice. Peaceful protests by the citizenry are deeply entrenched in American history and tradition. Our founding fathers enshrined in the Constitution the right of the people to freely express their opinions through peaceful protest and demonstration. I do not condone any destructive acts of vandalism, looting, and assaults that have taken place. Such acts harm others and distract from the important message of the peaceful protesters. The story then becomes about broken windows, burnt or spray-painted buildings, and businesses ruined, instead of the senseless murder of a defenseless and unarmed black man. The facts and circumstances and callousness of his murder cries out for justice. I join others in calling for justice for his death and others who have been the victims of racial violence."

Staff Updates

Since the last edition of *The Prosecutor*, we have hired three additional staff members to replace retiring staff or those who left to pursue other employment.

On June 5, 2020, **Ms. Elizabeth J. Orlando** joined the staff of the office as an Assistant Prosecuting Attorney, assigned to the Intake/Grand Jury Section of the office. Elizabeth received her Bachelor of Science degree from the College of Human Ecology at Cornell University in Ithaca, New York, in 1998. She received her Masters of Education from Xavier University in Cincinnati, Ohio in 2000. She then received her law degree from Tulane Law School in New Orleans, Louisiana, in 2003. Elizabeth was an Assistant Prosecuting Attorney in our office from 2003 until 2008. From 2008 until her return to our office, Elizabeth was employed at Sinclair Community College in Dayton, Ohio, in various position, most recently serving as Dean of Business and Public Services.

On June 5, 2020, **Mr. Nicholas J. Surkala, II** joined the staff of the office as an Assistant Prosecuting Attorney, assigned to Child Protection Unit of the office. Mr. Surkala received his undergraduate degree in Political Science from the University of Akron in 2016. He received his law degree from the University of Akron School of Law in 2019. Nicholas was a Judicial Law Clerk for the Sixth Judicial District of Pennsylvania, in Erie, PA. Prior to that, Nicholas was an extern for the Summit County Court of Common Pleas in Akron, Ohio.

On June 10, 2020, **Ms. Alexandra N. Pickerill** joined the staff of the office as an Assistant Prosecuting Attorney, assigned to the Juvenile Division of the office. Ms. Pickerill received her Bachelor of Science in Marketing and Business Law and her Master of Arts in Political Science from Miami University in Oxford, Ohio, in 2014. She received her law degree from The Ohio State University Moritz College of Law in 2017. Previously, Alexandra served as an Assistant City Attorney for the City of Columbus, Ohio, and spent time as General Counsel for the City Attorney, as well as serving as a City of Columbus Assistant City Prosecutor. Alexandra interned with the Ohio Public Defender's Office. She also was an intern in the Columbus Office of the Federal Public Defender's Habeas Corpus Division.

The Civil Division

The Civil Division of the prosecutor's office acts as Montgomery County's law firm. Prosecutor Heck, through his Civil Division, is the legal advisor to all county boards, county agencies, county elected officials, and township trustees, officers, boards, and commissions.

The Civil Division consists of nine attorneys, one paralegal, and seven support staff. Its responsibilities include initiating and defending civil actions and appeals in state and federal courts, and in a variety of administrative settings. The cases handled by the Civil Division include complex business law issues, civil rights violations, personal injury claims, and real property acquisitions. The division also deals with personnel and labor/employment issues and worker's compensation claims; renders written legal opinions to clients who request them; and reviews and gives approval as to the form of all county contracts. The division assumes a significant and proactive role in providing legal counsel regarding the implementation and enforcement of a wide variety of programs and policies administered throughout Montgomery County.

The DTAC Unit of the Civil Division (Delinquent Tax Assessment and Collection Unit) represents the Montgomery County Treasurer in the filing of foreclosure actions against property owners who are delinquent in the payment of property taxes.

The Civil Division is responsible for the forfeiture and seizure of assets used by criminals in the commission of crimes. Additionally, the division is responsible for enforcing Ohio law prohibiting registered sex offenders from residing within 1,000 feet of a school or daycare facility.

The Montgomery County Prosecutor's Office

Dayton-Montgomery County Courts Building
301 West Third Street
Dayton, Ohio, 45402.

Our mailing address: P.O. Box 972, Dayton, Ohio, 45422.

Our email address for general inquiries: info@mcpo.com.

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