

The Prosecutor's Report

April 2019

from Mat Heck, Jr., Prosecuting Attorney



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 Mr. Greg Flannagan, Public Information Officer, at 937-225-5610 or via email to info@mcpo.com.

Sentencings

In March, 2019, we disposed of 249 cases. The Judges sentenced the defendants in those cases as follows:

- 51.8% received Community Control Sanctions (probation)
- 26.1% were sentenced to the penitentiary
- 16.1% were granted Intervention in Lieu of Conviction (ILC)
- 6.0% received local jail time, or local jail time plus probation

Some notable sentences:

- 3/14/2019 - **Hopeton Taylor** was sentenced to a total of 6 years in prison after being convicted of felonious assault and child endangering for causing serious injuries to his 8-week old son. On June 6, 2018, Sheriff Deputies responded to Dayton Children's Hospital on a report of an 8-week-old baby who had been brought to the hospital suffering from multiple skull fractures and other very serious injuries. The defendant had been home alone with the child when the injuries occurred. In addition to the prison sentence, the State reserved the right to pursue additional charges in the event the child would die from his injuries. Ms. Lynda Dodd, Ms. Dylan Smearcheck, and Mr. Jon Sauline were the assistant prosecutors on the case.
- 3/19/2019 - **Joshua Beall** was sentenced to a total of 56-1/2 years-to-life in prison after being convicted of the shooting death of Donald Armstrong III and for committing a series robberies. On May 26, 2018 the defendant robbed a bank inside a Meijer's store in Greene County, The very next day, he robbed a Domino's Pizza delivery driver in Huber Heights, taking her car. Two days later, he robbed the bank inside Meijer's again. The day after that, on May 30, he was the getaway driver for co-defendant Casey Cole, who

robbed the LCNB National Ban in Oakwood. Later that same day, inside an apartment in Dayton, the defendant fired a handgun several times, fatally shooting the victim. The defendants then left the apartment in the stolen car, eventually fleeing to Hamilton County, where they lead Sharonville Police in a pursuit. The defendants were taken into custody when the defendant crashed the stolen car during the pursuit. Mr. Dan Brandt and Mr. Ward Barrentine were the Assistant Prosecutors on the case.

- 3/21/2019 - **John T. Mukes** was sentenced to life in prison for the murder of his mother. On July 2, 2016, Dayton Police Officers were dispatched to a home on Hoover Avenue. The defendant had called 911, claiming that his 78-year-old mother had been badly beaten and strangled by an unknown person. Evidence, including DNA evidence, linked the defendant to the murder. After a trial, a jury found the defendant guilty as charged. Mr. John Amos and Mr. Trent Sulek were the Assistant Prosecutors on the case.
- 3/27/2019 - **DeAngela C. Jones** was sentenced to 16 years in prison for the shooting death of Jeniqua L. Morrow. On May 8, 2016, Sheriff Deputies were dispatched on a report of a shooting inside an apartment on Northcrest Drive in the Northland Village Apartments complex. Once inside, they discovered the deceased body of the victim, who had died as the result of a single gunshot wound. The defendant pled guilty to involuntary manslaughter and having weapons while under disability. Mr. Dan Brandt and Mr. Tony Schoen were the Assistant Prosecutors on the case.

RECENT STAFF ADDITIONS

MS. SHAINA A. HOMBACH

On March 11, 2019, Ms. Shaina A. Hombach joined the staff of the prosecutor's office as an Assistant Prosecuting Attorney.

Shaina received her undergraduate degree in 2012 from Bowling Green State University in Bowling Green, Ohio, majoring in English. She received her law degree in 2018 from the Capital University Law School, in Columbus, Ohio.

Shaina is assigned to the Child Protection Unit of the office.

Shaina is originally from Columbus, and recently moved to the Dayton area.



MS. LISA M. LIGHT

On March 25, 2019, Ms. Lisa M. Light joined the staff of the prosecutor's office as an Assistant Prosecuting Attorney.

Lisa received her undergraduate degree from the Ohio Northern University in 2012, majoring in Sports Management. She received her law degree in 2017 from the University of Akron School of Law.

Lisa is assigned to the Appellate Division of the office.

Lisa is originally from Akron, Ohio and currently resides in Trotwood.



NOTEWORTHY NEWS

Second District Court of Appeals Decisions Rendered *Court Rules Common Pleas Court Judge Gave Improper Jury Instructions*

On March 15, 2019, Andrew T. French, Chief of the Appellate Division of the office, announced that the Second District Court of Appeals rendered decisions in agreement with our position in three related and recently appealed cases.

Mr. French said, "We are very pleased with the decisions rendered in these three cases. The three-judge panels on each case held that the Common Pleas Court trial judge committed error and abused his discretion by giving improper instructions, that he crafted, to the jury regarding memory. We strongly objected to the use of that particular jury instruction."

Unfortunately, in two of the cases, the defendants were found not guilty. Under the law, because of double jeopardy we cannot retry the defendants in those cases with proper jury instructions. Had the judge not erred by giving the improper and biased instructions, those two defendants may have been held responsible for their crimes and found guilty.

Mr. French continued, "Victims of crime, as well as defendants, are entitled to justice and a fair trial."

Purdue Pharma Reaches Settlement With State of Oklahoma

On Thursday, March 26, it was announced that Purdue Pharma, the maker of the opioid drug OxyContin, had reached a settlement in a lawsuit filed by the State of Oklahoma.

Prosecutor Mat Heck, Jr said in a statement, "We are encouraged by the announcement of a settlement between Purdue Pharma and the State of Oklahoma. Our two lawsuits, one against opioid manufacturers and one against opioid distributors, are also before Federal Judge Dan Polster in the Northern District of Ohio. With this settlement, we believe Purdue Pharma sees the significance and strength of the claims brought against it for its alleged deceptive marketing of highly addictive opioids."

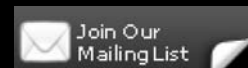
In July, 2018, our office filed lawsuits against a number of opioid manufacturers and distributors, including Purdue Pharma. At the time, Montgomery County was deemed the 'Overdose Capital of America.'

Prosecutor Heck continued, "The citizens of Montgomery County have seen the devastating effects of the opioid crisis firsthand. We look forward to holding all defendants, not just Purdue Pharma, accountable because this epidemic should be seen as both an urgent and a long-term crisis. As such, a meaningful response must include implementing additional programs for the residents of Montgomery County so that we may stop the opioid crisis in Montgomery County and work toward restoring our community."

VISIT OUR WEBSITE:
WWW.MCPO.COM



Montgomery County Prosecutor's Office
info@mcpo.com



MCPO, PO Box 972, Dayton, OH 45422

[SafeUnsubscribe™ {recipient's email}](#).

[Forward this email](#) | [Update Profile](#) | [About our service provider](#)

Sent by info@mcpo.com in collaboration with



Try it free today