

The Prosecutor's Report



August 2018

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 us at 937-225-5757 or via email to info@mcpo.com.

Sentencings

In July, 2018, we disposed of 261 cases. The Judges sentenced the defendants in those cases as follows:

- 60.2% received Community Control Sanctions (probation)
- 20.7% were sentenced to the penitentiary
- 10.7% were granted Intervention in Lieu of Conviction (ILC)
- 8.4% received local jail time or local jail time plus probation

Some notable sentences:

- 7/5/2018 - Emmit Blackburn was sentenced to a mandatory 10 years in prison after being convicted of rape. The defendant sexually assaulted a female who was sleeping on a couch in his home. In addition to the prison sentence, the defendant was also designated a Tier III sex offender, which means that he will need to register his address with the Sheriff's Office in person every 90 days for the rest of his life once he is released.
- 7/12/2018 Michael Snell was sentenced to 2 years in prison for his failure to register his address with the Sheriff's Office as required. The defendant was designated a sex offender in 1999. As such, he is required to periodically register his address, which he failed to do, even after a certified letter was sent to his last known address.
- 7/18/2018 James D. Rowles was sentenced to a total of 4 years in prison for his convictions on four counts of Promoting Prostitution. Between June and September 2015, the defendant and a co-defendant, Pascal Williams, held

women against their will, engaged in sex acts with them, and forced them into prostitution in exchange for drugs and/or money. Defendant Williams is awaiting extradition from Orange County, California.

- 7/24/2018 Michael Underwood was sentenced to a total of 6 years in prison for an armed robbery of a Dayton man. The victim had made a cash withdrawal in order to purchase a vehicle, and made a posting about it on Facebook. The defendant went to the victim's house and, while brandishing a firearm, demanded the money.
- 7/25/2018 James Hipsher, of Franklin, was sentenced to two years in prison for shoplifting at the Menard's in Miamisburg. A loss prevention officer witnessed the defendant shoplifting, and followed the defendant outside and confronted him. That's when the defendant pulled out a knife and threatened the loss prevention officer. The defendant fled, but was arrested later that same day in Franklin.

RECENT STAFF ADDITION

MS. LISA M. BRUDER

On July 9, 2018, Ms. Lisa Bruder joined the staff of the prosecutor's office as an Assistant Prosecuting Attorney assigned to the Child Protection Unit of the office.

Lisa received her undergraduate degree in Political Science from the University of New York at Buffalo in 1995. She then received her law degree from the University of Akron School of Law in 1998.

Lisa is originally from the Town of Tonawanda, New York.



MS. ALISONN R. NICKLES

On July 9, 2018, Ms. Alisonn Nickles joined the staff of the prosecutor's office as a Legal Secretary assigned to the Child Protection Unit of the office.

A graduate of Fairmont High School, Alisonn received her Criminal Justice Degree in 2017 from Sinclair Community College.

Alisonn previously worked in the private sector and has performed volunteer work for Dayton Public Schools and for The House of Bread.



NOTEWORTHY NEWS

PROSECUTOR FILES LAWSUITS AGAINST OPIOID MANUFACTURERS AND DISTRIBUTORS

On July 25, 2018, Prosecutor Heck and Mary Montgomery, the Chief of the Prosecutor's Civil Division, announced the filing of two lawsuits against opioid manufacturers and distributors asserting claims related to the deceptive marketing, prescribing, distribution and sale of opioids in Montgomery County.

Ms. Montgomery noted, "Sadly, as our citizens know, Montgomery County has been in far too many national news stories discussing the tragic number of overdoses that have taken our citizens' lives. Deemed the 'Overdose Capital of America,' citizens of every background in our community have been affected by the opioid crisis. We seek justice and long-term solutions to ensure current and future generations are protected from such an epidemic."

The lawsuits describe how, in order to expand their market and profits, the defendants initiated, and maintained for years, a deceptive marketing scheme that was intentionally designed to change the perception of opioids. This scheme was to permit and encourage the long-term use of opioids for widespread chronic conditions. The Defendants used both direct marketing and advertising to spread false and misleading statements about the risks and benefits of long-term opioid use.

Compounding these harms, manufacturers and distributors turned a blind eye to suspicious orders and shipments of opioid painkillers, thereby enabling the funneling of drugs into the black market. As increased volumes of opioids flooded Montgomery County and other communities nationwide, increased rates of addiction, overdoses, and deaths soon followed.

The defendants' conduct violates the Ohio Corrupt Practices Act and constitutes a public nuisance, civil conspiracy, negligence and unjust enrichment. The Ohio Corrupt Practices Act provides civil liability for the injuring of another through criminal acts. As a result, the County asserts that by increasing opioid prescriptions and use, defendants collectively fueled the opioid epidemic and significantly harmed the county and its residents.

The lawsuits assert that the deceptive and misleading marketing of opioids by the manufacturers and the careless, even reckless, distribution of opioids into the

County by the distributors, correlate directly to skyrocketing addiction, overdose, and death; black markets for diverted prescription opioids; and an associated rise in heroin and fentanyl abuse by individuals who could no longer legally acquire - or simply could not afford - prescription opioids.



Left to right are: Leon J. Daidone, Chief, Criminal Division; Mary E. Montgomery, Chief, Civil Division; Mat Heck, Jr., Prosecuting Attorney; Andrew T. French, Chief, Appellate Division

MONTGOMERY COUNTY OPIOID FACTS AND FIGURES

- In 2017, the media dubbed Montgomery County, Ohio the "overdose capital of America" after the County recorded the most overdose deaths, per capita, in the United States during the first six months of that year.
- According to data collected in the first six months of 2017, Montgomery County, Ohio ranked second in the state for the highest rate of drug overdose visits to hospital emergency rooms. Five of the top 10 counties were located in West Central Ohio.
- Opioid addicts are so familiar with the potential for overdose that many choose to use drugs in public places, such as gas stations, big box stores, and grocery store restrooms, where they can be found and revived.
- Rising heroin addiction and overdose rates in Montgomery County correlate with the opioid crisis as individuals often turn to heroin when they can no longer legally acquire or afford opioid painkillers. According to data from the CDC, Montgomery County Ohio had more opioid prescriptions than people each year from 2006 to 2015.

- The prescription rate remained high - nearly 93 opioid prescriptions for every 100 people (including children) in the County in 2016.
- In just six years, from 2010 to 2016, fatal drug overdoses have claimed the lives of 1,517 people in the County.
- 559 people died of opioid overdoses in 2017 alone.
- In the first three months of 2018, the Montgomery County Regional Dispatch Center received 335 calls for drug overdoses.
- The Montgomery County Coroner has described the local morgue as "full every night." In addition, the coroner's office has been obligated at times to rent rooms in local funeral homes. The County has also had to rent refrigerated trucks, which were parked behind the morgue, to keep the overload of bodies.
- Measured over the five-year period from 2009 to 2014, Montgomery County had the second highest per capita death rate from drug overdoses in the state of Ohio.
- Since 2010, the County saw a 104% increase in the number of people who died from unintentional drug overdoses.
- In 2015, Montgomery County emergency rooms treated 293 heroin overdoses - more than 6 times as many as in 2012.
- From January 1, 2017 to June 30, 2017, Montgomery County residents made 2,565 emergency room visits for drug overdoses - an average of 14.2 per day.

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