

# The Prosecutor's Report



November 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 Mr. Greg Flannagan, Public Information Officer, at 937-225-5610 or via email to [info@mcpo.com](mailto:info@mcpo.com).

## Sentencings

In October, 2018, we disposed of 282 cases. The Judges sentenced the defendants in those cases as follows:

- 55.7% received Community Control Sanctions (probation)
- 19.5% were sentenced to the penitentiary
- 13.8% were granted Intervention in Lieu of Conviction (ILC)
- 11.0% received local jail time or local jail time plus probation

Some notable sentences:

- 10/11/2018 - **Willie Henry, Jr.** was sentenced to two 15 years-to-life sentences for a total of 30 years-to-life in prison after being convicted of the shooting deaths of his brother, Lavar Cottrell, and Cottrell's girlfriend, Barbara Goubeaux. On June 21, 2018, Dayton Police Officers were dispatched to a residence on East Norman Avenue on a report of a shooting. The defendant, using a shotgun, had shot and seriously wounded his brother before turning the gun on his brother's girlfriend, shooting and fatally wounding her. The defendant was found on the porch of an abandoned house near the scene of the shootings and was taken into custody. The defendant's brother died as a result of his injuries on July 6, 2018. The case was prosecuted by Assistant Prosecuting Attorneys Trent Sulek and Erin Claypoole.
- 10/30/2018 **Zaren Wiesenborn** was sentenced to a total of 78 1/2 years in prison after being convicted on 33 felony counts of sexual assaults. In March 2018, the victim, age 17, disclosed that the defendant had sexually assaulted her multiple times starting around January 2013. The defendant was convicted on 13 counts of rape by force, seven counts of kidnapping for sexual activity, and 13 counts of gross sexual imposition. The case was

prosecuted by Assistant Prosecuting Attorneys Julie Bruns and Dylan Smearcheck.

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## NOTEWORTHY NEWS

### **OHIO LIQUOR CONTROL COMMISSION DENIES RENEWAL OF HARRISON TOWNSHIP CLUB'S LIQUOR LICENSE**

During hearings held on August 8, 2018 and August 29, 2018 before the Ohio Division of Liquor Control, Assistant Prosecuting Attorneys from the Civil Division of the prosecutor's office, Alex Hale and Nathaniel Peterson, presented evidence of disturbances, including disorderly conduct, fights, unruly crowds, allowing after-hours consumption of alcohol, and multiple shootings occurring at the Plush Gentlemen's Club at 2213 Wagner Ford Road, in Harrison Township. The Prosecutor's Office had filed objections against the renewal of the liquor license on behalf of the Harrison Township Trustees and the Montgomery County Board of Commissioners.

On October 23, 2018, the Division rejected the renewal of the liquor permit for the club's operator, Reengage Dayton, LLC. In the denial of the renewal of the permit, the Ohio Liquor Control Commission noted that the club, "has operated its liquor permit business in a manner that demonstrates a disregard for the laws, regulations, or local ordinances of this state." In addition, the Commission found that the club, "is so located with respect to the neighborhood that substantial interference with public decency, sobriety, peace, or good order has resulted and will continue to result from the renewal of the permit." The Commission also noted that additional violations of nudity and sexual activity had occurred at the club.

Prosecutor Heck said, "In September 2017, there was a fatal shooting in the parking lot of the Plush Gentlemen's Club, and between June 1, 2017 and May 30, 2018, there were 189 calls made to 9-1-1 for emergency services from this club, which the Commission noted is more than double the number of 9-1-1 calls for similar clubs in Harrison Township. This type of activity negatively affects the quality of life in the neighborhood and decreases property values."

Heck continued, "This is another example of our continuing efforts to assist the citizens and trustees of Harrison Township in ridding their community of businesses that negatively impact the area."

### **MORE THAN 6,000 CASES REVIEWED**

On October 31, 2018, the Criminal Division of the office reviewed its 6,000th felony criminal filing for 2018.

Generally, when a law enforcement agency investigates a felony crime, they bring that investigation to our office for review. If the Assistant Prosecuting Attorney

(APA) reviewing the investigation believes there is enough evidence to support the filing of a criminal case against the suspect, the case is approved to proceed to the Grand Jury for possible indictment.

In some cases, the APA may believe that additional investigation should be completed before a filing can be approved. In those instances, the law enforcement officer is given instruction on what additional investigation needs to be completed before a charging decision can be made.

In some instances, the reviewing APA may determine that there is insufficient evidence to support the filing of any felony charges, and the case is refused. Many times, the investigator is advised that the investigation should be taken to a Municipal Prosecutor for consideration of misdemeanor charges.

Between January 1, and October 31, 2018, the Criminal Division APAs reviewed 6,002 filings. This is a significant increase over 2017, which had 4,860 filings reviewed over the same time frame. The last year in which the Criminal Division saw over 6,000 felony filings was more than 10 years ago.

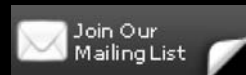
While it will take some time to determine the cause and nature of this nearly 24% increase since last year, it appears that the continued effects of the heroin crisis and opioid addiction is at least partially to blame.

Prosecutor Heck said, "I truly hope that the significant increase we are seeing this year is an anomaly. A 24% increase in felony cases being presented by law enforcement agencies demonstrates that all of our local law enforcement agencies are working hard. However, this also puts a strain on everyone in the criminal justice system, including the police officers on the street, the staff in the jail, my assistant prosecutors and victim advocates, defense attorneys, court staff, judges, and probation officers."

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