

# The Prosecutor's Report

August 2017

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](mailto:info@mcpo.com).

## Sentencings

In July, 2017, we disposed of 190 cases. The Judges sentenced the defendants in those cases as follows:

- 67% received Community Control Sanctions (probation)
- 25% were sentenced to the penitentiary
- 6% were granted Intervention in Lieu of Conviction (ILC)
- 2% received local time or local time plus probation

Some notable sentences:

- 7/5/2017 Michael Dapice was sentenced to a mandatory 5 years in prison for kicking in the door of his former girlfriend's apartment and fighting with her. The victim called 911 and when police arrived the defendant had already fled the residence. On July 5th, the defendant was found guilty of aggravated burglary and was sentenced.
- 7/12/2017 Norma Hasbun was sentenced to a mandatory 5 years in prison after her convictions on counts of possession of marijuana and trafficking in marijuana. On July 24, 2015, a State Patrol Trooper conducted a traffic stop on I-70 in Huber Heights. The defendant was driving the vehicle, but did not know who owned the vehicle and did not know what was in the large tied bags seen inside the vehicle. A K9 unit was called to the scene and alerted to drugs. A search of the vehicle uncovered nearly 300 lbs. of marijuana inside the vehicle.

- 7/31/2017 Isaiah Smith was sentenced to 17 years in prison for his part in a shootout that left 13-month-old Elijah Johnson dead. The shootout occurred on January 14, 2016 and involved three co-defendants, Isaiah Smith, Dontay King, and Shawn Smith. Shawn Smith was sentenced to 37-years-to-life in prison in May of this year, and King will be sentenced at a later date.

## JULY STAFF ADDITIONS

### **Mr. Shaun McPherron**

On July 17, 2017, Mr. Shaun McPherron joined the staff of the prosecutor's office as an Assistant Prosecuting Attorney assigned to the Juvenile Division.

Shaun received his law degree from the University of Cincinnati College of Law in 2016. He received his Bachelor of Business Administration in Marketing in 2011 from the University of Cincinnati.

Shaun is from Cincinnati.



### **Ms. Amber Mullaly**

On July 24, 2017, Ms. Amber Mullaly joined the staff of the prosecutor's office as an Assistant Prosecuting Attorney, assigned to the Child Protection Unit.

Amber received her law degree from the University of San Diego School of Law in 2014. In 2007, she received her undergraduate degree from the University of Pennsylvania, majoring in Communications.

Amber is originally from Lone Tree, Iowa, and currently resides in Dayton.



### **Mr. Vencot Brown**

Also on July 24, 2017, Mr. Vencot Brown joined the staff of the prosecutor's office as an Assistant Prosecuting Attorney, assigned to the Intake/Grand Jury Section of the office.

Vencot received his law degree from the University of Dayton School of Law in 2011. In 2008, Vencot graduated from Eastern New Mexico University, majoring in Criminal Justice.

Previously, Vencot was an Assistant Cuyahoga County Prosecuting Attorney in Cleveland, handling felony criminal trials.



**Supreme Court of Ohio Rules on  
Sentencing of Juveniles Tried as Adults  
*State v. D.B., Slip Opinion No. 2017-Ohio-6952***

Back in 2014, the 2nd District Court of Appeals issued a decision in a case that stated that juvenile defendants who were subject to mandatory transfer to adult court, and were convicted, could only be sentenced by the adult court on the mandatory transfer charge(s). And additional charges that were not subject to mandatory transfer then had to go back to the juvenile court for an amenability hearing to determine the disposition of those other charges.

Our office appealed this ruling to the Supreme Court of Ohio.

On July 27, 2017, the Supreme Court of Ohio reversed the 2nd District Court of Appeals, ruling that once a juvenile has been found guilty in the adult court for at least one offense that qualifies as a mandatory transfer offense, the adult court shall sentence the juvenile for all convictions in the case. This removes the 2nd District's requirement of returning non-mandatory transfer offense(s) in the case back to the juvenile court for an amenability hearing.

Prosecutor Heck commented, "The Supreme Court's ruling makes sense in that the adult court judge is in the best position to sentence the defendant. It serves no purpose for the adult court judge to sentence only mandatory transfer charges, and then send the case back to the juvenile court and require an amenability hearing on the lesser charges. This ruling will help to streamline the administration of justice and provide finality for crime victims."

**Dayton Man Indicted For Murder in Death of 2 Year Old  
*State v. Ryan Lucas St. John, 2017-CR-484***

On Monday, February 13, 2017, the defendant was watching 2-year-old Brayden Ferguson inside their home while the child's mother was out. The defendant told the child's mother that the child had been throwing up, and when the mother came home and checked on the child he was sleeping. A while later, when she checked on him again, the child was not breathing. Medics rushed the child to Dayton Children's Hospital. The next day, the decision was made to remove the child from a ventilator, and he died.

The coroner determined the child died from severe blunt force trauma which caused a skull fracture, bleeding of his brain, and other serious injuries.

On July 28, 2017, the defendant was indicted on counts of murder, involuntary manslaughter, felonious assault, and endangering children.

The defendant remains in custody in the Montgomery County Jail, being held on a \$500,000 bond.

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