

The Prosecutor's Report

June 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.

Sentencings

In May, 2017, we disposed of 281 cases. The Judges sentenced the defendants in those cases as follows:

- 64% received Community Control Sanctions (probation)
- 29% were sentenced to the penitentiary
- 4% were granted Intervention in Lieu of Conviction (ILC)
- 3% received local time or local time plus probation

Some notable sentences:

- 5/5/2017 Torace and Shureka Weaver were both sentenced to the penitentiary for their roles in connection to the killing of 2-year-old Stanley Thomas on November 18, 2015. Torace Weaver was convicted of murder and endangering children and was sentenced to 18 years-to-life in prison. His wife, Shureka Weaver, was convicted of endangering children and was sentenced to 3 years in prison. The medical personnel at the hospital and during the autopsy noticed the child had numerous injuries, including bruises, scars, and burns. The defendants, foster parents of the victim, had claimed the child had fallen from a table.
- 5/22/2017 Aaron Miller was sentenced to up to 5 years probation and ordered to complete the MonDay Program for his conviction in the brutal beating of a woman in a parking lot on Watertower Lane in West Carrollton in May of 2016. The defendant was convicted of felonious assault causing serious physical harm and faced up to 8 years in prison. Our office filed a sentencing memorandum with the court, including photos of the victim's shocking injuries, asking that the defendant be sentenced to the maximum possible sentence, which the court did not do.

- 5/23/2017 Dshawn Lynch was sentenced to 21 years-to-life in prison for the shooting death of Thomas Lee Johnson in Trotwood on April 15, 2016. The victim was shot at a Speedway gas station on Olive Road. Another person, who was with the victim at the time of the shooting, drove the victim to the Dayton VA Medical Center on West Third Street.

APRIL'S STAFF ADDITIONS

Ms. Sarah Hutnik

On May 1, 2017, Ms. Sarah Hutnik joined the staff of the prosecutor's office as an Assistant Prosecuting Attorney assigned to the Juvenile Division.

Sarah received her law degree from the Case Western Reserve University School of Law in 2016. In 2011, she graduated from Case Western Reserve University with degrees in Philosophy and Business Management. In 2013, she received her Master of Arts in Ethics from King's College in London, England.



Sarah is originally from Wadsworth, Ohio and currently resides in Dayton.

NOTEWORTHY NEWS

Mandatory Bindover Law for Juveniles is Constitutional *Ohio Supreme Court Agrees With* *The Montgomery County Prosecutor's Office*



On May 25, 2017, the Ohio Supreme Court reversed its own December 2016 ruling that found the State's mandatory bindover law for juveniles to be unconstitutional.

On December 22, 2016, the justices on the Ohio Supreme Court at that time ruled that any mandatory transfer of a juvenile to the common pleas court, to be tried as

an adult, was unconstitutional. The Court determined the law violated the due process rights as guaranteed by the Ohio Constitution.

The Court ruled that all juveniles, regardless of age or the crime committed, must have an amenability hearing in juvenile court and that the juvenile court judge has the discretion on whether to transfer the case or keep the juvenile in the juvenile system.

In January 2017, the Montgomery County Prosecutor's Office filed a motion in the Ohio Supreme Court seeking reconsideration. The Court agreed to take a second look at the issues we raised.

The decision issued on May 25th reversed the December ruling, and found that the mandatory transfer provided for in the Ohio Revised Code does *not* violate the due process rights of the accused.

Prosecutor Heck commented, "This ruling only applies to certain juveniles who have committed the most serious crimes such as murder or rape, are of a certain age, or were previously convicted of a most serious offense. The juvenile justice system is ill equipped to effectively rehabilitate those defendants. Furthermore, the juvenile system can only incarcerate defendants until age 21, when they must be released. In the adult system they can be incarcerated much longer, and once released they can be kept under the jurisdiction and control of the Adult Parole Authority."

Heck continued, "This ruling is an important victory for prosecutors across the state as it allows us to handle the most violent juveniles in a way that protects the public and keeps our communities safer."

27th Annual Violence Prevention Awards Ceremony



Prosecutor Heck with the 2017 Award Recipients

On May 2, 2017, Prosecutor Heck's 27th Annual Violence Prevention Awards Ceremony was held at the Dayton Masonic Center. Nearly 1,200 area students entered the contest, and prizes and awards were given to the winners of the project. The top 150 students were invited to attend the ceremony and enjoyed a

free pizza lunch, courtesy of [Dayton's Original Pizza Factory](#). Prosecutor Heck also recognized many area teachers who were in attendance, each of whom received a spa gift certificate courtesy of [Square One Salon and Spa](#).

The Violence Prevention Project encourages Montgomery County's youth to submit a poster or write an essay describing how violence affects our community and suggest ways to prevent violence. Common themes this years in the poster contest were bullying and cyber-bullying. A significant number of the essays this year addressed the topic of drug abuse, especially heroin addiction. These posters and essays show that the youth in our community are aware of the dangers and understand the causes of violence.

Every student who submitted an entry in the contest will receive a prize. The award ceremony was held to recognize some of the best entries, and those participants were awarded additional prizes. Sponsorship of the Violence Prevention Project came from many sources, including:

[Montgomery County Sheriff Phil Plummer](#)
[Dayton Police Chief Richard Bieh](#)
[Centerville Police Chief Bruce Robertson](#)
[King's Island](#)
[Kroger Aquatic Center](#)
[Dayton International Peace Museum](#)
[Aullwood Audubon Center and Farm](#)
[GZK Restaurant Systems](#)
[Dairy Queen](#)
[Walmart](#)
[Evans Bakery](#)
[Firehouse Subs](#)
[Mikesells Photo Chips](#)

Photos from the event and the winning posters will be featured in Prosecutor Heck's 2018 Violence Prevention Calendar, which is distributed each year. Photos can also be viewed on our website at www.mcpo.com.

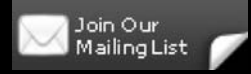
Prosecutor Heck said, "I am so optimistic because of the attitudes and positive outlook of the young people such as we acknowledged at our awards ceremony. I am proud of what they do and represent, and thank those students for being role models for others."

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