



The Prosecutor

newsletter from
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Winter 2012

2011—A Year In Review

The past year was a challenging one for my Office. Facing a budget reduction of over \$1,000,000 for 2012, the office was forced to reduce the number of staff by over 10%. In addition to the sixth consecutive year of reduced budgets as determined by the Board of County Commissioners and the County Administrator, some areas of the office saw an increase in the case load from 2010. For 2012, the budget for the office is the smallest it has been since 1998. Consequently, the office was forced to reorganize staff to accommodate the staff reduction. This reorganization has resulted in staff taking on additional duties. For example, the Assistant Prosecutor assigned to the Adult Protection Unit now also handles a felony docket. Likewise, the Assistant Prosecutors in the Juvenile, Appellate and Civil Divisions now also handle preliminary hearings on adult felony cases. Hopefully, the economic recovery we saw in the fourth quarter of 2011 will help to stabilize Montgomery County's budget.

My staff and I are committed to providing the same level of service to the citizens and victims of crime in Montgomery County as they have come to expect. Retaining qualified, professional and experienced staff, despite no increase in the base salary since 2007 has been challenging. I must commend my staff for doing more with less and staying true to our mission and responsibilities.

In 2011, we saw an overall increase, of 1.5%, in the number of felony cases brought to us by area law enforcement agencies for consideration of charges.

Some other highlights for 2011:

- Arson cases were the highest they have been since 2003.
- Cases of Robbery and Burglary were up again—for the 4th consecutive year.
- Domestic Violence cases were the highest they have been since 2000.
- Murder and Homicide cases were the highest since 2006.
- Assault cases were up 4% from 2010.
- Kidnapping and Abduction cases were up 13% from 2010.

Hopefully, these numbers were an aberration and we will see less of our fellow citizens victimized in 2012.

Finally, I want to congratulate Leon Daidone, Chief of my Criminal Division, who was named Ohio's 2011 "Outstanding Assistant Prosecutor of the Year" by the Ohio Prosecuting Attorney's Association. Such recognition of his professionalism and dedication by his peers is a testament to the quality of the staff in my office who tirelessly work for the citizens of Montgomery County.

2011—A Year In Review

Below are the results of the significant, important and tragic cases prosecuted and convicted by our office that you may have heard about:

January 3, 2011—Veronica Spears was sentenced to 10 years incarceration for the involuntary manslaughter of 68-year-old Bill Cheeks whom she fatally hit with a metal pipe on February 6, 2010. She was ordered to serve an additional 5 years for tampering with evidence, for a total 15 year sentence. She is currently incarcerated at the Ohio Reformatory For Women, with an expected release date of February 12, 2025. (Case# 2010-CR-519)

January 5, 2011—Dennis Jackson was sentenced to life in prison for the March 16, 2010 shooting death of 25-year-old Antione West in Trotwood. Jackson is currently incarcerated at Lebanon Correctional, with a first parole hearing date of March 28, 2038. (Case# 2010-CR-1126)

January 20, 2011—Jimmy Picklesimer was sentenced to 5 years incarceration for the aggravated vehicular homicide of 42-year-old Rebecca Thompson. The victim was walking her dog along Payne Avenue in Harrison Township when Picklesimer struck and killed both her and her dog on August 1, 2010. He fled from the scene and tried to cover up the damage to his vehicle. Picklesimer is incarcerated at Southeastern Correctional, with an expected release date of August 6, 2015. (Case# 2010-CR-2689)

January 26, 2011—Mary Yaqeen was sentenced to 10 years incarceration for the shooting death of her husband, 60-year-old Yunus Yaqeen, at their home on Savannah Avenue in Dayton on December 8, 2009. She is incarcerated at the Ohio Reformatory for Women and is expected to be released on December 5, 2019. (Case# 2009-CR-4150)

February 8, 2011—53-year-old Deborah Lyninger was sentenced to 3 years incarceration for the theft of over \$200,000 from her 76-year-old employer. The defendant was a trusted family friend as well as the administrative assistant to her victim. She used the victim's money to pay her own expenses, including her son's college tuition. She is incarcerated at Dayton Correctional and is expected to be released on September 29, 2013. (Case# 2010-CR-2620)

February 17, 2011—Damien D. Brown, 26, was sentenced to life in prison for the shooting death of his estranged girlfriend, Marquita Brown, at her residence on Midway Avenue in Dayton on June 25, 2010. The defendant fatally shot the victim in the head, then fled the home. Her body was discovered by her 5-year-old son, who called 9-1-1. The defendant is incarcerated at Warren Correctional, with a first parole hearing date of September 21, 2037. (Case# 2010-CR-2005)

March 9, 2011—Ronald Turner, 37, was sentenced to 6 years incarceration for the aggravated vehicular homicide of 29-year-old Jessie Jones on Dayton-Liberty Road in Jefferson Township on September 24, 2010. Turner's driver's license was suspended at the time of the crash. He is incarcerated at London Correctional with an expected release date of December 26, 2016. (Case# 2010-CR-3906)

March 23, 2011—Dr. Shafik Ahmad, M.D. was sentenced to 7 years incarceration after he was found guilty of conspiracy to commit murder. Dr. Ahmad conspired to hire a hit man to kill his ex-wife for \$2000. Ahmad is incarcerated at Noble Correctional with an expected release date of October 16, 2016. (Case# 2009-CR-3532)

March 25, 2011—Benton Shively, 23, was sentenced to 8 years in prison for the aggravated vehicular homicides of two women, 74-year-old Betty Cottle and 63-year-old Kitsy Jones, on Springboro Pike in Moraine on May 18, 2010. The defendant was speeding, driving erratically, and tested positive for marijuana at the time of the crash. He is incarcerated at London Correctional and is expected to be released August 5, 2018. (Case# 2010-CR-1920)

April 21, 2011—Pandora Zan, 45, was sentenced to life in prison with the possibility of parole, plus an additional 25 years, for her conviction of complicity to commit aggravated murder and aggravated robbery and other charges. Zan conspired to have her husband murdered by her, Cody Henderson. (See below) Zan is incarcerated at Dayton Correctional. (Case# 2009-CR-3496)

June 1, 2011—Kevin Evans, Jr., 19, was sentenced to life in prison for the shooting death of 21-year-old Justin Valentine on Glendale Avenue in Dayton on August 12, 2010. The victim was shot in the back as he tried to flee from Evans. He is incarcerated at Lebanon Correctional and will be eligible for his first parole hearing in June, 2033. (Case# 2010-CR-3461)

June 3, 2011—Cody Henderson, 22, was sentenced to life imprisonment without the possibility of parole, plus an additional 15 years, for his conviction of aggravated murder, aggravated robbery and other charges in connection with the stabbing death of his 47-year-old step-father, Charles Zan, in the victim's apartment on Springboro Pike in Miamisburg. Henderson is incarcerated at Ross Correctional. (Case# 2009-CR-3496)

June 7, 2011—29-year-old Gregory Leet was sentenced to life in prison for the shooting deaths of 49-year-old Nathan Gay and 54-year-old Harvey Sims, Jr. on February 26, 2010 on Liberty Road in Jefferson Township. After Leet attempted to buy drugs, and was robbed by the would-be drug dealer, Leet was approached by the two victims who offered to help him find the drug dealer. Instead, Leet shot and killed both men. He is incarcerated at Warren Correctional and will be eligible for his first parole hearing in January, 2048. (Case# 2010-CR-635)

June 9, 2011—Michael Windham, 62, was sentenced to 5 years in prison upon his convictions for unlawful sexual conduct with minor boys. Windham was the Deacon at Open Bible Church in Perry Township, where he met the boys, and was the owner of Kay's Restaurant in Brookville. Windham was labeled a Tier II sex offender, meaning when he is released from Belmont Correctional on August 1, 2015, he will be required to register his address with the Sheriff every 180 days for 25 years. (Case# 2010-CR-2768)

June 14, 2011—Benjamin Mills, Jr., father of "Baby Girl Vanessa" whose legal custody battle was heard in Juvenile Court in March, was convicted of two counts of welfare theft, for illegally obtaining benefits by claiming custody of his children. He was sentenced to serve a year in prison. He is incarcerated at Madison Correctional and is expected to be released April 12, 2012. (Case# 2011-CR-1419)

June 20, 2011—Heather Sims, 27, was sentenced to 18 months incarceration after she was convicted of felonious assault at a McDonald's Drive-Thru on June 27, 2010. Sims attacked a man with her shoe, striking him in his eye, causing severe injuries. She is incarcerated at Dayton Correctional and is expected to be released on October 12, 2012.

July 29, 2011—17-year-old Tashaun Jones was sentenced to 32 years in the penitentiary after his convictions for shooting at two Dayton Police officers. The officers were dressed as pizza delivery drivers after being called by the pizza store with concerns the delivery order may have been a setup. Jones was tried as an adult for his actions and is incarcerated at Warren Correctional with an expected release date of January 24, 2043. (Case# 2011-CR-410)

August 25, 2011—Joshua Johnson, 28, was sentenced to 15 years incarceration for the death of 75-year-old Al Bannan. Bannan was a retired University of Dayton Professor. Johnson is incarcerated at Noble Correctional with an expected release date of April 29, 2026. (Case# 2011-CR-1591)

August 26, 2011—34-year-old Ami Alexander was sentenced to 4 years in prison for killing 63-year-old Samuel Byers in a traffic crash on May 16, 2010. Byers was on a motorcycle driving to the annual Blessing of the Bikes when Alexander struck him with the vehicle she was driving while intoxicated. She is incarcerated at the Ohio Reformatory for Women and is expected to be released on August 22, 2015. (Case# 2011-CR-1391)

August 31, 2011—Damon Crawford, 40, was sentenced to life in prison for the October 31, 1993 shooting death of Ebony Fisher outside the former Spunky's Night Club in Jefferson Township. This was a cold case that was originally investigated by the former Jefferson Township Police Department. Crawford is incarcerated at Lebanon Correctional and will be eligible to seek parole in January, 2023. (Case# 2009-CR-879)

October 4, 2011—Zachary Burba, 39, hung himself inside his Montgomery County Jail cell after being indicted by the Grand Jury on charges he murdered his sister, Valerie Burba, in a vacant home owned by the pair. Zachary Burba had been released from Federal Prison just one month before the homicide. (Case# 2011-CR-2885)

October 6, 2011—Sherry Allender, 22, and Charles Jones, 27, were sent to prison for using duct tape on Allender's 3-year-old daughter, binding her legs, hands and covering her mouth. The pair then videotaped the toddler struggling and crying, while they laughed at her. Allender was sentenced to 30 months incarceration and is serving her sentence at Dayton Correctional, with an expected release date of 12/18/2013. Jones was sentenced to 36 months, and is at Noble Correctional, with a release date of June 19, 2014. (Case# 2011-CR-1635)

November 2, 2011—35-year-old Michelle Orrender was sentenced to 18 months incarceration and ordered to not own dogs in the future after her conviction on dogfighting counts. She is incarcerated at the Corrections Medical Center, and is expected to be released May 2, 2013. (Case# 2011-CR-2196)

November 8, 2011—Ralph Donaldson, 51, was sentenced to serve five additional years in prison after his guilty plea to involuntary manslaughter charges for killing Deborah Nooks. Donaldson was convicted in March 1997 and ordered to serve eight years in prison for attempted murder of Nooks, after a beating which left her severely disabled. Nooks died as a result of her injuries in August 2009. He is incarcerated at Allen Correctional and is expected to be released November 6, 2016.

Don't Be A Victim!

Every day, con artists attempt to victimize consumers. If successful, they can seriously impact your life. These tips can help you avoid becoming a victim of fraud:

- Offers that sound too good to be true—usually are.
- Beware of any offer that guarantees success or unusually high returns.
- Verify companies with the Better Business Bureau and check their references.
- Foreign lotteries are illegal in the U.S. You can't win!
- Shred confidential documents instead of discarding them.
- Check bank and credit card statements for fraudulent charges.
- When using an ATM, be sure no one can see your card number or pin.
- Never give personal information or account numbers over the phone to strangers.
- Don't put your social security number on your driver's license or checks.
- Don't carry your social security card in your wallet.
- Monitor new credit card arrivals.
- Have new checks delivered to your bank.

You are entitled to a free credit report every year from each of the three credit reporting bureaus. A free credit report is available online at www.annualcreditreport.com. If you find any mistakes on your credit report, immediately close the account and contact the fraud units of the three credit reporting bureaus. If you suspect you are a victim of identity fraud, contact your police department. These simple, yet effective tips can help prevent you from being a victim!

Congratulations! You're a Winner?

Lottery scams continue to be a jackpot for criminals. "Winners" of contests, lotteries or sweepstakes receive a "teaser" check, but are told that they must send money for insurance, processing fees, transfer fees, and/or other expenses before they will get the balance of the jackpot. The teaser check inevitably proves to be counterfeit, but sometimes it takes weeks for the bank, and the winner, to discover that. The "winner" is nonetheless out any money they have sent in for "fees" and of course there is no jackpot. It's all part of a trick to part you from your money or personal information.

Here's what you need to know about these scams:

- If you didn't buy a lottery ticket from an authorized vendor, or enter a sweepstakes, you didn't win, plain and simple.
- No legitimate lottery will ever contact you with news of a win; it's your responsibility to step forward with the winning ticket in hand.
- Legitimate sweepstakes will contact you if you win, but they will never ask you to send them any fees in order to claim your prize.
- Check winning numbers with your state lottery website or through media reports.

Finally, be alert to shady retailers who pilfer winning tickets brought in for redemption. They scan the ticket, claim you didn't win (or won only a small amount) and then pocket the ticket (and all or the rest of your winnings.)

Office Staff Updates

During 2011, nine of our co-workers retired from the office:

| DATE | NAME | YEARS OF SERVICE W/ MCPO |
|------------|-------------------|--------------------------|
| • 1/31/11 | Karen Cabral | 30 |
| • 5/1/11 | Linda Gross | 24 |
| • 5/31/11 | George Patricoff | 28 |
| • 7/31/11 | Mary Ellen Hickey | 30 |
| • 7/31/11 | Walter Ruf | 28 |
| • 12/23/11 | Vic Whisman | 25 |
| • 12/23/11 | Jim Martinson | 25 |
| • 12/23/11 | Jan Ludwig | 16 |
| • 12/23/11 | Mike Wilson | 28 |

We thank them all for their years of dedication. We will miss them, and wish them the best of luck in their future endeavors!

The Prosecutor is published as a public service by the Montgomery County Prosecutor's Office. For questions or comments about articles appearing in The Prosecutor, or to recommend topics you'd like to see, please contact: Mr. Greg Flannagan, Public Information Officer at 937-225-5610 or e-mail info@mcpo.com

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