



THE PROSECUTOR

A NEWSLETTER FROM

MAT HECK, JR.

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Summer 2007

Leon J. Daidone Appointed as Chief of the Criminal Division; James R. Levinson Retires

After 26 years with the Montgomery County Prosecutor's Office, James R. Levinson, the Chief of our Criminal Division, decided to retire this year. Mr. Levinson was a most dedicated, loyal and respected member of our staff, and his insight and perspective will be missed.

In order to provide for a smooth and orderly transition, his successor was appointed on January 5, 2007.

Prosecuting Attorney Mat Heck, Jr. appointed Leon J. Daidone as the Chief of the Criminal Division of the Montgomery County Prosecutor's Office. Mr. Daidone has been an Assistant Prosecuting Attorney for over twenty-five years.

Prosecutor Heck said, "Mr. Daidone's proven leadership, dedication, and his exemplary trial experience make him an excellent choice for this position."

Mr. Daidone graduated with honors in 1976 from Montclair State College in New Jersey and graduated with honors from Ohio Northern University College of Law in 1979. After law school, Mr. Daidone returned to New Jersey where he practiced law for two years.

In 1981, Mr. Daidone returned to Ohio and joined the Montgomery County Prosecutor's Office. He began his career in the prosecutor's office in the Appellate Division, then was transferred to the Criminal Division. In the Criminal Division, he served as a docket prosecutor, head of the Career Criminal Unit, and on a multi-jurisdictional Organized Crime Task Force. He has spent the last fourteen years as a member of the Violent Crimes Bureau, prosecuting numerous homicide and other high profile cases.

Mr. Daidone taught criminal justice courses at Sinclair Community College for approximately twenty-one years. He is also a lecturer for the National Dis-

trict Attorneys Association and the Dayton Police Academy.

He resides in Butler Township with his wife, Connie, and their two daughters.



James R. Levinson



Leon J. Daidone

**TRACEY BALLARD TANGEMAN & DANIEL J. BRANDT
PROMOTED TO VIOLENT CRIMES BUREAU; ERIN LEIGH CLAYPOOLE
AND LYNDA ASHBURY DODD PROMOTED TO
CRIMINAL TRIAL TEAM LEADERS**

Prosecuting Attorney Mat Heck, Jr. announced on February 9, 2007 that Tracey Ballard Tangeman and Daniel J. Brandt were appointed to the Violent Crimes Bureau of the Montgomery County Prosecutor's Office. The Violent Crimes Bureau prosecutes all homicide as well as other high profile cases in Montgomery County. And, on March 12, 2007, he announced that Erin Leigh Claypoole and Lynda Ashbery Dodd were promoted to Criminal Trial Team Leaders of the Montgomery County Prosecutor's Office. Trial Team Leaders supervise the Assistant Prosecutors handling Criminal Dockets in Common Pleas Court.

After receiving his BA in Diplomacy and Foreign Affairs from Miami University of Oxford, Ohio in 1994, Mr. Brandt attended the University of Toledo College of Law, receiving his law degree in 1997. Mr. Brandt joined the Prosecutor's Office that same year. He has worked in the Juvenile, Child Protection, Preliminary Hearing, Grand Jury, and Criminal Docket sections of the office. He was appointed as a Team Leader in March 2004, supervising felony trial assistant prosecutors.

Ms. Tangeman received her BA in Political Science from Smith College of Northampton, Massachusetts in 1992. She then attended the Ohio State University College of Law, receiving her law degree in 1998. Ms. Tangeman was a law clerk in the Prosecutor's Office during the summer of 1997, and joined the staff full-time in 1998. She has worked in the Juvenile, Preliminary Hearing, Grand Jury, and Criminal Docket sections of the office. She was appointed as a Team Leader in March 2005.

Prosecutor Heck said, "These talented prosecutors both have experience handling cases involving very serious, violent crimes. They have both served as co-counsel on death penalty cases, making them excellent choices for the Violent Crimes Bureau."

Ms. Claypoole received her BS, Cum Laude, in Applied Mathematics and Psychology from the University of Pittsburgh in Pittsburgh, Pennsylvania in 1994. She then attended The Ohio State University College of Law in Columbus and received her law degree in 1997. Ms. Claypoole joined the Prosecutor's Office in January, 1998. She has worked in the Child Support Enforcement, Preliminary Hearing, Grand Jury, and Criminal Docket sections of the office. Since 2001 she has been the Supervising Attorney in the Family Violence Unit, specializing in the prosecution of domestic violence cases.

Ms. Dodd received her BA in Psychology and Pre-law from Grove City College of Grove City, Pennsylvania in 1994. She then attended the University of Dayton School of Law, receiving her law degree in 1997, and then accepted a position as an assistant prosecutor with our office. She has worked in the Child Support Enforcement, Appellate, Preliminary Hearing, Grand Jury, and Criminal Docket sections of the office. Since August, 2006, she has been the Supervising Attorney of the Intake and Grand Jury Division.

Prosecutor Heck said, "These talented prosecutors both have the experience, knowledge and maturity necessary for this position. With the reputation they have and the respect of their peers, I believe they are excellent choices as Team Leaders."

Prosecutor's Office Convicts Lamar Lenior of 1994 Murder

On June 19, 2007, 34 year old Lamar Lenior was sentenced to life in prison, with parole eligibility after serving 18 years incarceration. He was convicted of the February, 1994 murder of Patricia L. Davis outside the Frisch's restaurant on North Main Street in Harrison Township. A tip to investigators in 2004 led to the arrest and indictment of Lenior. A jury convicted Lenior in March, 2007.

2007 Violence Prevention Project Award Ceremony Held

On Wednesday, May 16, 2007 the 17th annual Violence Prevention Project Award Ceremony was held at the Masonic Temple in downtown Dayton. Originally scheduled to be held at Courthouse square, mother nature didn't cooperate, so at the last minute the event was moved.

We truly appreciate all the assistance of the staff at the Masonic Temple who helped us switch locations at the last minute.

Present were the top 100 winners of this years contest. We received more than 1,200 entries from the students of 44 area schools. It was an outstanding effort on the part of the students and, as in past years, all entrants received a participation prize.

Prosecutor Mat Heck, Jr. said, "I am pleased to have this opportunity to award the students here today. I wish there wasn't a need to promote alternatives to violence and drugs. But, violence is a reality in our community and in our world. It is something we cannot ignore and something that has an impact on even our youngest children as evidenced by their words and pictures."

Parents, educators, and community leaders need to talk to children about their thoughts and feelings. More importantly, is the need to listen. We cannot presume that just because children are young, they cannot understand or appreciate the circumstances that are affecting all of us. Many of the students wrote essays about their concerns regarding drug and alcohol use by people in their family. Their words are heartfelt and genuine.

Children do not want to see their loved ones at risk due to the destructive effects of drugs, alcohol and violence. They need to know that the standards of decency and positive behavior must remain constant even when the influences are challenging.

Certainly, there are enough challenges

faced by the youth of today. They must deal with constant exposure to violence and drugs in their neighborhoods and their homes. They face difficulties, such as bullying, in their schools. They are exposed to violence on the television, radio, popular music and in video games, and there are certainly negative influences on the Internet.



We want to thank the very generous supporters of the Violence Prevention Project.

- Bill Daniels of Dayton's Original Pizza Factory (who once again provided a pizza lunch for the students. The Pizza Factory has supported our project year after year.)
- Sheriff Dave Vore
- Paramount's Kings Island
- Victoria Theatre
- Showcase Cinemas
- The Dayton Dragons
- Esther Price Candies
- Domino's Pizza
- Dayton History
- GZK Restaurant Systems



Former Montgomery County Public Defender Sentenced

On April 12, 2007, former Montgomery County Public Defender Daniel Kinane, Jr. was sentenced to five years probation. On February 27, 2007 Kinane pled guilty to four counts of Trafficking in Tobacco Products with Intent to Avoid Payment of Tax. This guilty plea resulted from his being indicted by the Grand Jury in December, 2006 on the four felony charges.

The Ohio Department of Taxation, who investigated this case, conducted an audit and determined that Kinane was operating a tobacco distribution business out of his residence in Miamisburg, and did not possess a valid Ohio Tobacco Products license.

Further investigation lead to a search warrant being conducted at his home, the State of Ohio Tax Commissioner conducted a formal assessment and determined that Kinane had failed to pay \$78,550.99 in excise taxes on the tobacco products he distributed. This is one of the largest criminal prosecutions for avoidance of payment of taxes on tobacco products in state history.

Owner and Employee of Phoenix Funding Sentenced After Convictions

Between April, 2002 and February, 2004 Mark D. Musselman, owner of Vandalia based Phoenix Funding and his employee Mark S. Edwards devised and carried out a scheme to steal approximately \$1.2 million dollars from Interfirst Mortgage Lenders. Musselman and Edwards were mortgage brokers, and had experience as such from prior business dealings.

In February, Vandalia Police launched an investigation into Phoenix Funding. Subsequent investigation by Vandalia Police and the Consumer Fraud Division of the Prosecutor's Office determined that Musselman and Edwards had obtained a dozen mortgage loans in the names of recently deceased individuals.

On December 7, 2005, both Musselman and Edwards were indicted by the Montgomery County Grand Jury on 48 felony charges. On March 29, 2007 Edwards entered a plea of guilty as charged, and agreed to testify against Musselman.

On April 20, 2007 a jury found Musselman guilty on all counts.

On June 5, 2007 Musselman was sentenced to 12 years incarceration, ordered to pay \$1.2 million dollars in restitution, and was fined \$3.45 million dollars.

On June 19, 2007 Edwards was sentenced to 6 years incarceration and also fined \$3.45 million dollars.

Dog Fighting Rears It's Ugly Head In Montgomery County

On July 6, 2007 Simon Denby, Donyell Moschetti and Louis Snowden-Davis entered no-contest pleas to a combined total of 120 felonies and 33 misdemeanors. The court found them guilty as charged of the crimes and set sentencing for August 21, 2007.

The defendants were indicted on November 3, 2006 for Dog Fighting, Possession of Criminal Tools, and Cruelty to Animals. They were discovered in the 4900 block of Hoover Avenue, Dayton along with 31 pit bull terriers.

On June 12, 2007 the Montgomery County Grand Jury indicted 38 defendants for Dog Fighting. These indictments are for the actions of these defendants, identified during a 14-month long investigation, "Operation Bite Back".

In Ohio, witnessing or attending a dog fight is a fourth degree felony, punishable by up to 18 months incarceration. Attempting to do the same is a fifth degree felony, punishable by up to one year incarceration.

In another case, two defendants, Eric Lewis and Ennis P. Lungs, are set to go to trial on September 10, 2007. Lewis, of Dayton, was indicted on November 3, 2006 on 17 felonies charges of Dog Fighting and Possession of Criminal Tools. Lungs, of Beaumont, Texas, was also indicted on November 3, 2006, for 27 felony charges.

National District Attorneys Association President

Mat Heck, Jr. Serves As Chairman Of The Executive Working Group

The National District Attorneys Association (NDAA) 2006-2007 President, Mat Heck, Jr. served as the chairman of the Executive Working Group for Federal-State-Local Prosecutorial Relations at the December 13, 2006, May 11, 2007 and July 11, 2007 meetings held at the U.S. Department of Justice in Washington, D.C.

The Executive Working Group (EWG) was created "to encourage and enhance the efforts of Federal-State-Local Law Enforcement Committees and other forms of intergovernmental liaison." The EWG consists of six U.S. Attorneys, representing the Department of Justice, six State Attorneys General, and six local District Attorneys appointed by Mr. Heck. The EWG meetings focus on federal, state and local efforts.

The Deputy U.S. Attorney General provided participants with a recap of the Project Safe Childhood conference hosted by the Department of Justice in December 2006 in Washington, D.C.; and an update on the National Security Division. In addition, the EWG was provided information about the National Gang Intelligence Center and the National Gang Targeting Enforcement and Coordination Center. Because gang activity is multi-jurisdictional, the goal of the centers is to connect the work being done at the local, state and federal levels regarding certain gangs.

During the May 2007 meeting, witness intimidation was discussed in an effort to identify common trends and promising practices in combating this issue. One study claims that witness intimidation is a factor in over 75% of the cases involving violent crimes in gang-dominated areas. It is also a concern in other cases, such as domestic violence cases.

The July 2007 meeting topic concerned Identity Theft. Participants discussed developments within their respective jurisdictions and addressed ways to combat Identity Theft.

Area Plastic Surgeon Must Surrender Medical License

On May 18, 2007 Dr. Terri Savage, an internist who ran a plastic surgery operation in Washington Township was convicted of Illegal Processing of Drug Documents and Deception to Obtain Dangerous Drugs. The State Pharmacy Board along with the Ohio State Medical Board investigated the case.

Savage was using her medical license to illegally obtain the painkiller Oxycodone and other drugs for her personal use. She was placed on five years probation and permanently surrendered her medical license. As a result of her conviction, she can never again practice medicine in the state of Ohio.

Prosecutor Heck Issues Statement Concerning the North Carolina Duke Rape Case and Mike Nifong

The recent case of the exonerated athletes in North Carolina has affirmed the importance of the ethical standards of America's prosecutors and serves as a reminder that the primary ethical duty of a prosecutor is to seek justice, not merely to convict.

The confidence of the public and the very integrity of the criminal justice process depend on strict compliance with these ethical standards. To the extent that any individual prosecutor violates these high ethical standards, the public confidence in our criminal justice system is undermined and the image of all prosecutors suffers.

NDAA President Heck said, "The actions of the District Attorney (DA) in the Durham rape case are an anomaly and inexcusable. The false accusations of rape by members of the Duke Lacrosse team, were abhorrent, dishonest, and self-serving, and fly in the face of the ethical conduct that prosecutors not only accept and endorse, but adhere to."

Prosecutor Briefs

The following are staff additions since our last newsletter. New employees and their positions are:

Cheryl Jones, Diversion Officer
Chad Thomas, DTAC Unit
Mike Tenore, Investigator—Criminal Non-Support Unit
Sheilah Wright, Secretary—Juvenile Division
Michele Hui, Attorney—Child Protection Unit
Liberty Skye McKenna, Victim Advocate
Thomas Adam, Attorney—Child Protection Unit
Michael Brush, Attorney—Juvenile Division
James Kaylor, Law Grad

E. Gerald Parker, Jr., Law Grad
Antoinette Dillard, Law Grad
Kathryn Mazanec, Law Grad
Robert Guehl, Attorney—Civil Division
Jason Cavinder, Attorney—Juvenile Division
Kimberly Melnick, Attorney—Criminal Division
Cindy Westwood, Attorney—Child Protection Unit
Thomas Mygrants, Investigator—Consumer Fraud
Deborah Sergent, Secretary—Criminal Division
Dianna Clutter, Secretary—Criminal Division
Kelly Taylor, Secretary—Criminal Division

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, contact: Mr. Greg Flannagan at 937-225-5610 or e-mail flannagang@mcoho.org.

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