



THE PROSECUTOR

A NEWSLETTER FROM

MAT HECK, JR.

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Winter, 2005

FIRST ASSISTANT PROSECUTING ATTORNEY DEB ARMANINI NAMED OHIO ASSISTANT PROSECUTOR OF THE YEAR

First Assistant Prosecuting Attorney, Debra B. Armanini, has been named the 2005 "Ohio Outstanding Assistant Prosecutor of the Year" by the Ohio Prosecuting Attorneys Association. Mrs. Armanini received this award at a luncheon held in Columbus on December 1, 2005.

Mrs. Armanini has been an Assistant Prosecuting Attorney since 1983. In 1986, she was appointed Chief of the Juvenile Division of the Prosecutor's Office. She was promoted to the position of First Assistant Prosecuting Attorney in 1995, and assists in the supervision of seven divisions, 85 assistant prosecutors and 87 support staff members.

Mrs. Armanini chairs the Legislative Committee of the Montgomery County Association of Police Chiefs. She also serves as Secretary of the Miami Valley Crime Stoppers

Board. She formerly was the chief legal advisor and member of the Executive Committee of the Montgomery County Combined Narcotics Enforcement Agency and Chair of the Montgomery County Criminal Justice Counsel.

Mrs. Armanini serves on the Administrative Committee of CARE House, the county-wide Child Advocacy Center, as well as the Montgomery County Child Fatality Review Board. She also serves on the Coordinated Community Response to Domestic Violence Committee.

In August, 2005, Debra was named Associate Director of the National District Attorneys Association and is a member of its Board of Directors.

Judge Dennis Langer, Montgomery County Common Pleas Court Administrative

Judge, said, "It's now official: In ALL of Ohio, Deb Armanini is the very best Assistant Prosecutor. How lucky we are to have her here in Montgomery County."



First Asst. Prosecutor
Debra B. Armanini

Prosecuting Attorney, Mat Heck, Jr. said, "To serve the public we protect, dedication and professionalism are essential to our work. Deb provides those essentials with brilliance and tireless devotion. I am proud of Deb, and can think of no one more deserving of this award."

Beware of Flood Damaged Cars

If you are in the market for a used car, you should be aware of a growing problem—the flood damaged vehicle. It is estimated that hurricane Katrina flooded a half million vehicles this past fall — and unscrupulous dealers are looking to make a quick buck selling those vehicles to unsuspecting buyers.

A vehicle that has been through a flood can be a good deal, if the flood damage was not too severe. But, selling previously flooded vehicles without disclosing that fact can be a buyer's nightmare and in fact could be very dangerous. Flood damaged vehicles not properly repaired can have numerous problems from engine and transmission problems to electrical problems and even toxic mold!

What can you do to avoid flooded vehicles? Look for tell-tale signs such as damp carpet, mold and rust. Some damaged vehicles will have a completely new interior. But if water got into the engine or transmission, and sat there for weeks, it probably is ruined.

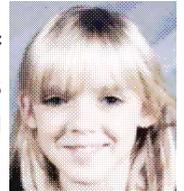
The National Insurance Crime Bureau, in cooperation with many national insurance companies and police departments from affected Gulf Coast areas have compiled a list of vehicle identification numbers (VINs) of known flooded vehicles. You can visit their website at www.nicb.org and enter a VIN to see if it is a known "flood car." While the list is not guaranteed to be a complete listing, it is a smart idea to check this.

Another way to protect yourself is to buy a CARFAX report on any vehicle you are seriously considering purchasing. This report should identify if a vehicle has been seriously damaged or reported as a flooded vehicle to an insurance company. A single vehicle report costs \$19.99, or an unlimited number of reports for 30 days costs \$24.99. The website for this service is www.carfax.com.

Man Found Guilty in Erica Baker Case

On October 7, 2005, a Montgomery County Common Pleas Court jury found Christian Gabriel guilty of the crimes of gross abuse of a corpse and tampering with evidence, the crimes for which he was indicted. Gabriel was sentenced to the maximum term of six years in prison for his crimes.

This ended the first prosecution of those responsible for Erica Baker's disappearance from her Kettering neighborhood in 1999.



Prosecutor Mat Heck commended the Baker family, the community, the Kettering Police Department, Assistant Prosecuting Attorneys Leon J. Daidone and Carley J. Ingram, and Victim Advocate Amy Burr for their tireless efforts on Erica's behalf.

While her body has never been recovered, Assistant Prosecutors Daidone and Ingram were able to prove to the jury in this case that Gabriel disposed of the body of Erica Baker.

"While this case certainly brings some measure of justice, the community, and especially the Baker family, will never recover from their loss," Heck said. The Prosecutor's Victim/Witness Division offers continuing services and support groups to victims and survivors of crime, like the Bakers.

The Prosecutor's Office continues its work with investigators trying to prosecute others who may have been involved in Erica's disappearance. To that end, the Prosecutor's office maintains its fight for information that a former public defender may be withholding about the crime. The attorney refuses to testify before the Montgomery County Grand Jury about what a former client, now deceased, may have told her about the child's disappearance. Twelve judges in both state and federal courts have ordered the attorney to testify before the Montgomery County Grand Jury. She has again appealed, and we are awaiting a decision from the United States Sixth Circuit Court of Appeals.

PROSECUTOR TAKING ACTION ON SEX OFFENDERS

On April 29, 2005, Ohio Revised Code 2950.031 went into effect, which mandates that registered sex offenders are no longer permitted to reside within 1000 feet of a school property. The law provides that a governmental entity can ask a court to order an offender to move his/her residence to a compliant address. However, there are no criminal penalties for an offender living within the 1000 foot radius.

With cooperation from the Montgomery County Sheriff's Office, the Prosecutor's staff has taken on the task of enforcing this new law. Notices were sent to an astounding 200 offenders found in violation of this statute in Montgomery County. Over half of these offenders have responded to this notice by relocating. Letters were also sent to every lawyer for every municipal jurisdiction in the County, asking for their cooperation in enforcing this law.

Complaints have been filed by the Prosecutor's office against seven individuals who reside in jurisdictions represented by the Prosecutor's office. On October 26, 2005, the Montgomery County Common Pleas Court ruled in the first of these lawsuits, ordering the offender to move to a compliant address within thirty days. It is anticipated, since this is a new law, that this initial case will be appealed, which would delay the order for the offender to move. "Nevertheless," said Prosecutor Heck, "until a court issues a ruling to the contrary, the Prosecutor's office will continue its efforts to keep the communities as safe as possible in accordance with this new law."

Sex Offender Information: Montgomery County Sheriff's Sex Offender Registration and Notification Office, at 496-6869; or on the web at <http://www.esorn.ag.state.oh.us> (local libraries offer free internet access). More information about sex offender legislation: restrictive license plates (SB 229) - Senator Kevin Coughlin, 614/466-4823; 1000 feet radius from bus stops (SB 146) - Senator Jordan, 614/466-7584.

CONVICTION IN CITY PARKING GARAGE THEFT OF OVER \$246,000

On September 7, 2005, Kathi Sue Bohache was sentenced to four years in prison on an aggravated theft charge for stealing over \$246,000 from the City of Dayton Convention Center parking garage. Bohache was an employee of PMI Parking, which runs the day-to-day operations in several parking facilities. Bohache was a supervisor and, as such, was permitted to make deposits of the parking proceeds herself. For 13 months, she stole cash deposits by submitting to her employer deposit tickets stamped with several different counterfeit bank stamps. Even after her conviction, Bohache refused to take responsibility or to pay back any of the funds.

Prosecutor Heck commends Assistant Prosecutor George Patricoff and Detective Christopher Williams of the Dayton Police Department for this successful prosecution. "This case involved several months of investigation and court time. I am proud of the diligence demonstrated by the Dayton Police Department and my staff to bring this case to completion on behalf of the public. Not only is there a financial loss for PMI Parking and the City of Dayton, but City residents lose as well as a result of the City being bilked out of a significant amount of revenue from this parking facility. We are hopeful that Ms. Bohache, after serving her sentence, will be able to eventually repay the victims in this case."

Prosecutor Briefs

Congratulations to **Carmille Akande, Angela Buccalo, Jon Marshall and Scott Shumaker**, new employees of the Prosecutor's Office, who were notified on October 28, 2005 that they passed the July, 2005 Bar examination.

Welcome aboard to two new Assistant Prosecutors: **Michelle L. Grodner** joined the staff on December 19. She has an undergraduate degree from Indiana University. She became a lawyer in 1998 after earning her law degree from the University of Toledo. **Stacey L. Smith** joined the office January 4, 2006. She was admitted to the Bar in 2005 after graduating from U.D. Law School. She attended Miami University for her undergraduate studies.

CORRECTION: There was an error in the 2006 Violence Prevention Calendar. Ash Wednesday was listed on two different dates. The correct date is March 1, 2006.



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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