MESSAGE FROM PROSECUTOR SHERRI BEVAN WALSH

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Man Sentenced on OVI and Tampering Charges - Broke "No Refusal" Law

(February 9, 2010, Akron) … The first offender to be found guilty by a jury in Summit County for felony Tampering with Evidence charges for refusing to take a breathalyzer test after being pulled over for suspicious driving was sentenced to three years in prison today. Vitaly Simin, 36, of South Euclid, Ohio, was found guilty on January 8, 2010 by a jury of felony OVI with a specification (five prior DUI's within 20 years, a minimum four months in jail or prison).

Simin was earlier found guilty on November 17, 2009 of Tampering with Evidence, a felony of the third degree, because he refused to submit to a breathalyzer or chemical test to determine his alcohol level. The jury at that first trial was unable to reach a decision on the DUI charge and the case was later tried on the remaining charges. Judge Judith Hunter sentenced Simin to a total of three years for both the tampering and OVI convictions. His license was also suspended for 10 years.

Prosecutor Sherri Bevan Walsh, author of the "No-Refusal" law, praised the jury for their guilty verdict, saying "The law is now clear that drunk drivers cannot refuse to take a breath test. It is mandatory and the jury agreed that Mr. Simin broke that law and deserved prison time. Bottom line: It doesn't pay to refuse to cooperate. It will increase your sentence."

On March 21, 2009, Simin was observed by a Twinsburg officer of sitting at a green light at the intersection of Route 91 and I-480. After Simin got onto I-480 West, the officer pulled him over after he noticed him swerving and riding the curb line. The officer smelled alcohol on his breath. After Simin failed the field sobriety test, he was taken into custody. At the station, he refused to submit to a breathalyzer test. He also refused to give his blood at the hospital. He was charged with Tampering with Evidence for not providing the evidence of his intoxication.