



# SHERRI BEVAN WALSH

## Summit County Prosecutor

### Newsletter

#### January 2010

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## Message from the Prosecutor



Prosecutor  
Sherri Bevan Walsh

I was recently traveling in Florida and a newspaper headline caught my eye about a man who slit the throats of his wife and five children. He had a history of domestic violence (DV) and the woman's friends had been trying to get her to leave him for years. Like many domestic violence cases, the tragedy was unfathomable and possibly, even avoidable.

Lee County, Florida has a population that is comparable to Summit County's and yet had 16 DV-related homicides the past two years. Summit County had 4 cases.

An explanation may be that my office has a DV Unit that implements an evidence based-prosecution program. Since the unit was created in 2004, we have applied for and received well over \$1 million of federal funding to pursue an evidence-based prosecution model. In Lee County, an Assistant District Attorney is quoted saying, "The nature of DV cases is different than a lot of crimes. It takes place in the home and without other witnesses. Our cases rely completely on the willingness of the victims."

That is where this type of case falls apart. Very often, individuals caught in the cycle of violence recant what happened and make excuses for the abuser. Evidence-based prosecution is when prosecutors seek and review all relevant evidence of an incident and the history of the parties in order to prepare a case as if the victim is uncooperative.

In fact, it was reported in the Florida article that more than half of Lee County's felony DV cases were dismissed because of uncooperative victims. In contrast, we only dismissed nine cases of the total 388 felony DV cases we prosecuted last year.

**More impressive, is that my office's DV Unit had a 95% conviction rate last year, with 43% of the defendants sentenced to time in prison.**

Those of us who have been in law enforcement a long time know that the violence in these situations only escalates over time, sometimes ending in the abused victim's death.

These tragedies highlight the need for the aggressive use of evidence-based prosecution. I am very proud of the work of this unit and my office will continue to be leaders in this area. The results speak for themselves.

## Tips for Preparing a Case for Evidence-Based Prosecution

The police investigation at the time of the initial response can make or break an evidence-based prosecution case. We need this evidence:

- **Detailed reports:** Reports should describe a victim's appearance and demeanor. State details such as "victim is crying and shaking," "marks on victim's neck and the right side of her hand," etc.
- **Photos of everything:** Detailed pictures of the crime scene and victim that describe a story that cannot be recanted by the victim. Include overturned furniture, marks on body, and injuries to the assailant (or lack of injuries).
- **Written/Recorded Statements:** Statements are essential when dealing with a hostile, recanting victim. They can also be admissible at trial should the Defendant take steps to prevent the victim's cooperation.
- **Call EMS:** If possible, bring in EMS personnel because they can question the victim about the circumstances of the event for purposes of medical treatment.

### DID YOU KNOW?

*The DV Unit in my office, with the help of the Akron Community Foundation's Women's Endowment Fund, has trained hundreds of police, fire, court and EMS personnel on evidence-based prosecution. Their help is key to our success!*

Questions? E-mail Laurie Cramer:  
cramer@prosecutor.summitoh.net

We're on the Web!

[www.co.summit.oh.us/Prosecutor/Index.htm](http://www.co.summit.oh.us/Prosecutor/Index.htm)

## Top Cop!



**Officer Jason Belacic, Akron Police**

**Nominated by: Angela Walls-Alexander**

### ***State vs. Israel Nelson***

Prosecuting domestic violence cases is a challenge, mainly because the majority of victims want to recant their story. This is another such case where the victim lied throughout her two hours of testimony in court. Fortunately, we had great officers who helped make our case stronger.

The defendant in this case went on a three day drinking binge. When he finally came home, he accused the victim of cheating on him with 15 and 16-year old boys who were visiting his nephew. He made his feelings clear by giving her a bloody nose and swollen cheek.

Officer Belacic did an excellent job during the investigation, taking photos of the victim's injuries and providing a detailed report. When the defendant represented himself during trial, he made several attempts to anger Officer Belacic with irrelevant and insulting questions. Officer Belacic remained calm and professional during his testimony and was undeterred by the defendant's bait.

With Officer Belaci's help, we were able to get a conviction in this case. Nelson was sentenced to four years in prison.

## Way to Go, Top Cop!

### **GUILTY at TRIAL!**



Congratulations to Prosecutors **Jon Baumuel, Michael Cody, Felicia Easter, Tom Kroll, Brian LoPrinzi, Kevin Mayer (2), Nick Palumbo, Justin Richard (2), Angela Poth-Wypasek (3), Dustin Roth, Norm Schroth, Brian Stano, Maggie Tomaro, Chad VanOrman, Nikki Walker, Angela Walls-Alexander**, who obtained **GUILTY** verdicts at trial in December.

## MEET ASSISTANT PROSECUTOR DAN SALLERSON

**Hire Date:** December 4, 2004

**Hometown:** Rochester NY

**Law Degree:** Cleveland-Marshall  
College of Law



**Background:** I have always been a government attorney, beginning my career in 1995 at the Child Support Enforcement Agency in Washington and then Tuscarawas County. I moved to Huron County where I began felony criminal prosecution and then to Summit.

**Little Known Fact:** While working in Boston my car was stolen twice. The first time it was recovered but there was no ignition (had to start car with a screwdriver). My car was stolen again within a few days. When I went back to the police to report my car was stolen, they told me it was recovered. I had to explain it was stolen again. My car was ultimately found in New Jersey in a crate to be shipped out of the country.

**Most Memorable Case:** A woman reported that she was raped. After a big party at her home with a lot of drinking, she went to sleep with her husband. She was awakened by who she believed to be her husband having sex with her. She learned the next morning it was not her husband. It turns out that after the victim went to bed, a man from the party came upstairs and raped her. Initially, the police were skeptical, thinking that she was covering up an affair. Eventually, we discovered and proved in court that the rapist had three similar acts. He was convicted and sentenced to five years in prison and he now has to register as a sex offender.

### **THAT'S OUTRAGEOUS!**



Edward McGowan was arguing with the mother of his child and threw a cell phone at her while she was holding their 11-month-old baby.

The phone hit the baby in the head and he began to have seizures. They drove the child to the hospital and discovered that he had a fractured skull. He continues to have seizures to this day and other complications.

McGowan was sentenced to four years in prison, but the child may never be the same.

***Now that is outrageous (and very sad)!***