



# SHERRI BEVAN WALSH

Summit County Prosecutor

Newsletter

March 2010

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## Message from the Prosecutor



Prosecutor  
Sherri Bevan Walsh

Did you know that it has only been within the past 20 years that victims of crime were given rights? Defendants have an exhaustive list of protections. While the focus remained on the rights of the criminal, victims were often left to struggle with little or no help. For many, the Courthouse experience is intimidating and confusing. Imagine sitting a few feet away from the person who victimized you while telling a jury of strangers about your ordeal.

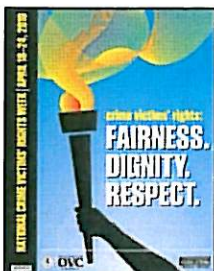
In 1994 the Ohio Legislature enacted a series of laws that mandated victims be kept informed and have input in how a case is handled. The importance of victim input was not always recognized. Victims and advocates have struggled for decades to be heard and acknowledged by the criminal justice system.

Enforcing most of these rights falls within the purview of the Prosecuting Attorney. In my office, the prosecutor consults with the victim regarding the case and along with the victim advocate, makes sure the victim is notified of any and all court proceedings. Victims have the right to be present at sentencing and object to any proposed plea resolution. I also require the victim's input during screening for our Diversion Program, where individuals are "diverted" from a prison sentence to an alternative program.

Over the past 10 years, we have served **thousands** of victims of crime. Attending court can be a stressful and intimidating process, sometimes leaving the victim feeling as if they were re-victimized. Our goal is to empower the victim with knowledge so that hopefully their experience is less intimidating. It is important that those who work in the criminal justice system remember that for a victim, things such as finding the location of the courtroom can be stressful.

My office has a system in place to keep victims informed of Court events by our Victim Advocates. An advocate is assigned to each of the courtrooms in the Court of Common Pleas. That advocate is in constant contact with both the victim and the prosecutor making sure that the victim's input is considered.

While we have seen great and positive changes over the years for victims, we remain vigilant about the inclusion of victims in the judicial process. We believe this is imperative to keep our system fair and just.



**National Crime Victims Rights Week**  
**April 18-24, 2010**

## Did you know?

### Victims of crime have rights!

- Victims have the right to request restitution including **medical expenses, counseling and damage to property.**
- Law enforcement must provide an **explanation of a victim's rights in writing**, including information on counseling, housing, compensation, and protective orders.
- The assistant prosecuting attorney and victim advocate ensure that the victim **is kept fully informed** of charges and the procedural steps involved in the court process.
- Victims may **be present at any stage of the proceedings** that are held in the courtroom when the defendant is present.
- Victims may have a **support person** accompany them to court. A waiting area must be provided for the victim that is separate from the defendant.
- Prior to sentencing, the Court **must allow the victim to make a statement** and is required to consider it along with other factors when imposing a sentence.
- The law **prohibits retaliation by an employer** against a victim who misses work due to preparing for or attending court.

Additional safeguards exist such as victims can request identifying information (address, representatives' address, place of employment, etc.) be withheld by the Court and to be given notice of a defendant's release date. Likewise, victims must be notified of any early release or parole hearings.



Questions? E-mail Laurie Cramer  
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We're on the Web!

www.co.summit.oh.us/Prosecutor/Index.htm

## Top Cop!



Det. Ken Miffen  
Stow Police Department

Nominated by: Prosecutors Mike Todd and  
Chad Van Orman

On September 26, 2008, in Stow Ohio, an arsonist burned down a large garage containing three automobiles and caused major damage to an adjacent residence at 1290 Norton Road. While it was readily apparent that the fires were intentionally set, an investigation began to determine who set the fires and why.

Through the quick thinking and ingenuity of Det. Ken Miffen of the Stow Police Department, the arsonist was identified within two days. After convincing him to cooperate, Det. Miffen immediately went into action to identify and investigate his co-conspirator, who turned out to be the homeowner, Marcus Fruth.

Det. Miffen's exhaustive efforts included having the arsonist wear a body wire. This resulted in taped in-person conversations and telephone calls between Fruth and the co-conspirator. Det. Miffen further was able to uncover sufficient evidence to link Fruth with having the fires set for his own financial benefit.

Det. Miffen gained information from the Stow Fire Department, various leads, and through Nationwide Insurance Company, of which Fruth was expecting to receive a payment. Det. Miffen sought an indictment and a jury convicted Marcus Fruth of complicity to commit Aggravated Arson and Insurance Fraud.

Fruth will be sentenced on March 29, 2010 by Judge Brenda Unruh.

Way to go, Top Cop!



## GUILTY at TRIAL!

Congratulations to Prosecutors Jon Baumoeel, Felicia Easter (4), Kevin Mayer, Nick Palumbo, Greg Peacock, Angela Poth-Wypasek, Justin Richard, Dustin Roth (2), Norm Schroth, Jennie Shuki, Colleen Sims, Brian Stano, Mike Todd, and Chad VanOrman who obtained GUILTY verdicts at trial in February.

## MEET ASSISTANT PROSECUTOR NICOLE WALKER

Hire Date: June 2007

Hometown: Conneaut, Ohio

Law Degree: University of Akron



**Background:** Nicole earned her B.A. in English Literature and Sociology from the University of Akron. Nicole worked her way through law school as a librarian at the Akron Law Firm of Brouse McDowell.

**Little Known Fact:** Nicole claims to be addicted to celebrity gossip. A letter she once wrote to the editor of *The National Enquirer* was published in the magazine. They sent her a check for \$50.00!

**Most Memorable Case:** "I had a domestic violence case where the defendant attacked his father. His defense was that he attacked his father's twin brother, not his father. His father testified that he did not have any siblings. He was convicted of Domestic Violence and sentenced to one year in prison."



## THAT'S OUTRAGEOUS!

*Do you have an App for that?*

The latest in applications for "Smart" phones is one that actually allows a drug dealer to download a digital scale. No need for the clumsy and cumbersome manual scale when your phone can weigh in ounces and grams! Instead of "We have an app for that," we prefer "We have a criminal charge for that." *Possession of Drug Paraphernalia!* Be mindful, an arrest will likely increase the costs of your phone plan!

*Really?*

Geno Smith, 27, of Akron, was sentenced on March 11 to the maximum penalty of five years in prison after being found guilty by a jury of Sexual Battery. He also will have to register as a sex offender.

On July 4, 2009, Smith's 17-year-old victim was highly intoxicated and passed out on a friend's couch. Smith decided that was his opportunity to have sex with her.

*Now that is outrageous!*