



News from the Criminal Division

January 2012



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January is Stalking Awareness Month

Each year, 3.4 million Americans are victims of stalking. This dangerous and terrifying crime can involve mental and physical threats and actions. And it can be a felony in Ohio if it involves aggravating factors, such as violating a protection order, using a deadly weapon or threatening serious physical harm.

Stalking can be difficult to prove because victims often move frequently in an attempt to escape and some incidents may not be taken seriously. Furthermore, our society still often sees stalking as a less serious crime. But stalking can cause serious mental harm and can even be deadly.

Visit www.StalkingAwarenessMonth.org to learn more. The more you know, the more you can do to stop it.

Message from Prosecutor Sherri Bevan Walsh

The Juvenile Division of my office operates out of the Summit County Juvenile Court building on Dan Street in Akron. It is composed of two sections: Dependency and Neglect, which handles cases of child abuse, and Delinquency, which handles all criminal charges in which the offender is a minor.

Because of the nature of the cases and the ages of the offenders, the Juvenile Division tends to stay out of the public's eye. But that doesn't mean their work is any less important than that of the Criminal Division.

The most egregious Delinquency cases are often bound over to the Criminal Division, meaning the juvenile court judge has found probable cause for the child to be tried as an adult. However, most cases that start in the Juvenile

Division stay there. Although some offenders are found to be Serious Youth Offenders, the majority of offenders either serve some time at the detention hall or are eligible for a diversion program.

The Dependency and Neglect prosecutors represent the Summit County Children Services in cases in which children have been abused or neglected. Our ultimate goal is to keep families together whenever possible, and we work closely with

the families and court to achieve that goal.

In this issue of *News from the Criminal Division*, you will learn more about the work of the Juvenile Division, as well as some of the division's programs and initiatives.

Stay safe,

Sherri B. Walsh



Crossroads Program

Sometimes juvenile offenders have an underlying substance abuse problem or mental health condition that needs to be addressed. Those offenders are referred to Crossroads, the Juvenile Court's drug and mental health court.

Participants, who are referred to the program by either the Juvenile prosecutors or the Magistrate who heard their case, are required to adhere to a strict treatment plan. The plan may include substance abuse treatment, drug screens, counseling and regular court appearances to provide updates.

Because of the importance of a strong family unit in keeping kids out of trouble, Crossroads participants and their families attend family counseling sessions to improve communication and family cohesiveness.



The Crossroads Program lasts at least one year, depending on how quickly the participant achieves the goals set forth by the Court. Once the participant successfully completes the program, the offense that led to the juvenile's involvement will be dismissed.

prosecutors, victim advocates and support staff from the Juvenile Division



Toys in Court

Court can be a scary place for young children. We've found that simply holding a stuffed animal or small toy can make the court atmosphere softer and less intimidating.



In 2008, one of our victim advocates started asking employees to donate toys after seeing how attached the victims became to the toys they held while testifying. Employees brought in enough toys to fill a large section of a conference room. And the donations keep coming in, even from child victims and their parents.

Now young victims are given their own toy to keep when they first come into the office to meet with a prosecutor. And if they have to participate in a trial, they are allowed to hold their toy while testifying.

It is very tough on children to talk about uncomfortable and personal things like sexual assault with total strangers. Although a parent or victim advocate cannot hold the victim's hand during testimony, the victim can find comfort and confidence from cuddling the toy he has relied on throughout the process.

January Top Cop

Top Cop: Akron Police Officers **Justin Ingham** and **Brent Heller**

Nominated By: Assistant Prosecutor Tom Kroll

Case: State v. Quintin Alli

Domestic violence cases are especially difficult to prosecute. Abusers typically condition their victims to believe the rest of the world is trying to keep the couple apart, which often makes victims reluctant to testify. This lack of victim cooperation can confuse jurors, particularly those with no prior experience with domestic violence. That's why it is especially important for law enforcement to take extra care when responding to and investigating cases of domestic violence.



The performance and work ethic of officers Justin Ingham and Brent Heller of the Akron Police Department in a recent domestic violence case could serve as a case study of how law enforcement should respond to such cases.

In the case of repeat domestic violence offender Quintin Alli, officers Ingham and Heller made sure to adequately document the victim's injuries and statements, which were useful at trial when the victim attempted to exonerate Alli. Additionally, the officers provided solid testimony that not only held up well during cross examination, but also exposed some of the defense's tactics.

After the officers testified, Alli realized a conviction was inevitable, so he pled guilty to the indictment.

That's why officers Justin Ingham and Brent Heller of the Akron Police Department are January's Top Cops.

Way to go, Officer Ingham and Officer Heller!

How Juveniles Can be Tried as Adults

One of the questions I often hear regarding the Juvenile Division is how minors can be tried as adults. This question frequently comes up when there is an article in the paper about a teenager who committed a heinous crime.

In Ohio, only minors aged 14 or older at the time of the crime can be tried as adults. The process of transferring an offender from Juvenile Court to the Court of Common Pleas is called a "bindover." It can be a two-part process that involves two hearings.

In the first hearing, Probable Cause, the Court must decide whether there is sufficient evidence that the juvenile committed the crime. In the second hearing, Amenability, the Court must determine whether the juvenile could be rehabilitated through the Juvenile Court. If the Court finds probable cause and does not find the juvenile amenable to the juvenile system, then the juvenile will be bound over to the adult court system and prosecuted through my Adult Criminal Division.



The age of the juvenile at the time of the crime and the severity of the crime determine whether a bindover is discretionary or mandatory. A discretionary bindover requires both a Probable Cause Hearing and an Amenability Hearing; a mandatory bindover requires only a Probable Cause Hearing. Bindovers are always discretionary for juveniles aged 14-15. For juveniles 16-17, a bindover is mandatory for certain serious crimes, such as rape and murder.

Help us go green!

If you currently receive this newsletter on paper and would like to receive an electronic version instead, email Melanie Hart at hart@prosecutor.summitoh.net.

Meet Assistant Prosecutor Bob Capes

Name: Bob Capes

Hire Date: November 2002

Title: Assistant Prosecutor, Juvenile
Division Supervisor

Hometown: Cuyahoga Falls, Ohio

Education: I earned my Bachelor of Arts in political science at the University of Akron, and then earned my Master of Science in international relations from New Mexico State University. I earned my law degree from the University of Akron Law School.

Background: Prior to joining the Prosecutor's Office, I spent 20 years in the United States Air Force as a pilot. During that time, I logged 3,200 hours of jet time as an F-15 Eagle Driver and retired with the rank of Lt. Col.

Something People Don't Know About Me: I play the classical guitar and the baroque lute. That means I am a lutenist, not a looter.

Job Duties: As supervisor of the delinquency division, I help the staff fulfill the office mission to the best of our ability and with style and class. I assign cases and provide guidance to the division's four assistant prosecutors. I also carry my own caseload, which includes the most serious cases -- those in which the defendant may either be bound over to adult felony court or labeled a Serious Youthful Offender.

Most Memorable Case: My most memorable case involved Jerry Piorkowski, a 17-year-old who was sentenced to 15 years in prison for Vehicular Manslaughter after he drove his car into a crowd, killing Amanda Rosepapa. When I drove to southern Ohio to meet with her parents, I discovered that they live next to the cemetery where their daughter is buried and can see her grave from their front door. It was heartbreaking to realize that every day that couple is faced with the reminder of their tragic loss.



Guilty at Trial

Congratulations to the following assistant prosecutors for obtaining guilty verdicts at trial in December:

Beth Aronson

Nik Buckmeier

Jay Cole

Justin Richard

Jennie Shuki (2)

Brian Stano

Angela Walls-Alexander

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