



Follow us on Twitter  
@ProsecutorWalsh

# News from the Criminal Division

March 2012

## Message from Prosecutor Sherri Bevan Walsh

We have been fortunate to experience an unseasonably beautiful stretch of weather. If you're anything like me, you've relished driving with the windows down, taking leisurely neighborhood strolls and getting a head start on gardening and yard work.

Now that a more relaxed season seems to be here, this is a good time for a quick summer safety refresher.

- Keep your purse on the floor when you drive. It's easy for a petty thief to reach in your window and snatch your purse off the passenger seat while you're sitting at a stoplight.
- Keep your screen doors locked when you're inside.
- Lock your front door when you're in your backyard. Someone could enter your house without your knowledge while you're manning the grill.
- Ask for credentials before hiring anyone to do home repairs.
- Look alert when taking a walk outside. Criminals are less likely to attack people who are aware of their surroundings.



- Do your research before donating to charitable organizations. Some legitimate-sounding organizations are actually a scam.

If you want to know more about how to keep yourself and your children safe, look for our booths at the following upcoming fairs and expos in April:

### **28th Annual Child & Family Awareness Month Expo**

April 14, 10 a.m. - 5 p.m.  
Summit Mall, Akron

### **Hudson Preschool Parents Fair**

April 28, 10 a.m. - 1 p.m.  
East Woods School, Hudson

### **YMCA Health Kids Day**

April 28, 11:30 a.m. - 1:30 p.m.  
Lake Anna YMCA, Barberton

I hope to see you there!

Stay safe,

*Sherri B. Walsh*

# Intervention-in-Lieu of Conviction

House Bill 86, which went into effect September 30, 2011, altered the sentencing guidelines for felony offenses. Especially notable is the requirement that first-time offenders convicted of fourth- or fifth-degree felonies receive probation instead of prison. This follows an overall trend of treatment instead of punishment.

Prior to the enactment of HB 86, the Summit County Court of Common Pleas had programs in place to address the suggestion that certain offenders could be rehabilitated if given the appropriate treatment and support.

One of these programs is called intervention-in-lieu of conviction (IILC). In IILC, certain defendants facing low-level (fourth- or fifth-degree) felonies for offenses that were committed under the influence of drugs or alcohol may be able to participate in a treatment program and have their felony charges dismissed if they successfully complete the program.

Before the enactment of HB 86, only offenders without a prior felony record could be considered for IILC. However, HB 86 expanded eligibility to

include people convicted of fifth-degree felony drug trafficking charges, fourth-degree drug possession charges and certain repeat offenders.

Furthermore, defendants whose crime is unrelated to drug or alcohol use may be eligible for IILC if they have developmental disabilities or suffer from mental illness.

**IILC participation  
has almost  
doubled since HB  
86 went into effect.**

The expanded guidelines have increased the number of hearings for defendants applying for the expanded offerings. Between September 30, 2010 and February 17, 2011, Summit County Court of Common Pleas judges granted IILC to 50 people. For the same time period one year later (September 30, 2011 to February 17, 2012), 91 people were granted IILC.

The increase in defendants accepted into IILC has the potential to seriously burden the organizations that provide services to these defendants. However, we have been working very closely with all of the involved agencies to ensure they are able to handle the increased case load. Part of that involves working together on grant requests and shared resources.

---

## First Responder Training

Much like domestic violence cases, emergency calls involving domestic violence are best handled by first responders experienced in dealing with such emotional and volatile situations. However, many police and fire departments and ambulance companies do not have the resources to adequately train their employees.

Recognizing a need for training, my office resurrected a training program for first responders that was a casualty of budget cuts a few years ago. The new training program is a collaboration between the Summit County Prosecutor's Office, the Summit County Sheriff's Office, the Battered Women's Shelter, the Summit County Domestic Violence Court, the Developing Options for Violent Emergencies (DOVE) program and other organizations that work with domestic violence victims and offenders.

Training participants learn the basics of domestic violence, such as recognizing the signs of abuse, the emotional and physical components and why victims stay with their abusers. Participants also learn about domestic violence in the context of their jobs -- how to properly identify and document injuries, speaking with children witnesses to make sure they are ok and to find out what they witnessed, the best way to conduct a police interview, interacting with victims and the role that law enforcement plays in prosecuting domestic violence cases.

This is just one example of how agencies and organizations within Summit County are increasingly collaborating to improve and enhance their services for residents of Summit County.



# March Top Cop

**Top Cop:** Bath Police Detective **Richard Munsey**

**Nominated By:** Assistant Prosecutor Greta Johnson, Chief Counsel Mary Ann Kovach

At the end of June, three men with violent criminal histories, Madrid Asefi, Justin Hill and Michael Louthian, broke into the home of an elderly Bath man. The men pushed the victim out of his wheelchair and kicked and stomped on his head. They then ransacked the house. The victim's own home health aide, Samantha Furman, had tipped off the men about the victim and the items they could steal.

The victim was left for dead on the floor. Furman didn't show up for work for two days following the attack and robbery. The victim was found two days after the attack, when a Meals-On-Wheels volunteer came to deliver his lunch.

The victim had no recollection of what happened, and there was little physical evidence. The Bath Police Department, led by Detective Richard Munsey, conducted a thorough investigation. They worked in conjunction with Mark Anderson, an investigator in my office who did an excellent job assisting with subpoenas, cell phone tracking and reviewing jail calls. As a result of the hard work and dedication of Anderson, Detective Munsey and the entire Bath Police Department, the four suspects were not only caught but also pleaded guilty to the crime. Asefi, Hill, Louthian and Furman pleaded guilty to Aggravated Burglary and Aggravated Robbery. Christine Marshall, the driver of the getaway car, pleaded guilty to Aggravated Burglary. All three men were sentenced to 20 years in prison, the maximum possible sentence. Furman was sentenced to 18 years in prison; Marshall was sentenced to 10 years in prison.

That's why Detective Richard Munsey of the Bath Police Department is March's Top Cop.

**Way to go, Detective Munsey!**



## Why We Negotiate Plea Agreements

Plea agreements have a bad reputation. Prosecutors are frequently criticized for giving a criminal a "deal" instead of allowing a judge or jury to determine the defendant's guilt.

The use of plea agreements is perhaps one of the most misunderstood concepts in the judicial system.

Plea agreements are not "deals" or evidence of the prosecution's power.

A plea agreement is an agreement between the prosecution and the defendant (and his attorney) about

how the case should be resolved, subject to approval by the judge and almost always by the victim, as well. This often involves the defendant pleading guilty to lesser or fewer charges or to an agreed sentence.

One reason prosecutors are willing to negotiate plea agreements is to guarantee that a defendant will be punished for the crime for which he was indicted. There is a saying that there are no guarantees in life, and the same is true of the courtroom. Even with what we believe to be irrefutable evidence, there is still the

possibility of a verdict of not guilty.

However, the biggest argument in favor of plea agreements is that, without them, our court system would become incredibly backlogged, forcing defendants to wait years for trial.

The average criminal felony trial takes two to three days. We would need approximately 8,750 days just to get through the criminal cases we indict in a single year. Even with all 10 Common Pleas judges trying cases, our annual

case load would take 875 days.

That doesn't count our civil cases, death penalty and other longer cases or any non-trial court appearances, such as arraignments and pre-trial status updates.

Plea agreements also benefit victims of crime and their families. They bring an end to the case, and victims are able to hear the defendants accept responsibility for the crimes they committed. Plea agreements may help avoid further trauma for the victim.

# Meet Assistant Prosecutor Joe Dangelo

**Name:** Joe Dangelo

**Hire Date:** January 2012

**Title:** Assistant Prosecutor

**Hometown:** Valley City, Ohio

**Education:** I graduated from Kent State University and Cleveland Marshall College of Law.

**Background:** Prior to joining the Summit County Prosecutor's Office, I worked for six years as an assistant prosecutor in Medina County.

**Something People Don't Know About Me:** I have run seven marathons -- once in Washington, DC, Denver and Salt Lake City, plus twice each in Cleveland and Akron. I am a big fan of Bruce Springsteen and Clint Eastwood, and I have met two former presidents (Bill Clinton and Jimmy Carter) and one vice president (Al Gore).

**Job Duties:** As a courtroom prosecutor, I try felony criminal cases in Judge Hunter's courtroom.

**Most Memorable Case:** While I was working in Medina County, I tried an Aggravated Vehicular Assault case against a woman who hit and seriously injured a man who was heading home from his kid's soccer practice. The woman refused a breathalyzer test, so her blood was drawn at a local hospital. Her blood alcohol content came back very high, but her blood was drawn outside of the three-hour window permitted by law. Therefore, I had to prove when the woman last had a drink.

A friend of mine from high school had been at the crash scene because it occurred in front of his house. Although he could not tell me anything about smelling alcohol or seeing beer cans in the woman's car, he did know two Amish men who were working on the woman's barn. They saw her drinking and fighting with her husband. They also saw her hit another car and run over a bush as she left her house earlier in the evening. Those Amish men helped me secure a conviction against her of two counts of Aggravated Vehicular Assault, and she was sentenced to seven years in prison.



## Guilty at Trial

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

Nik Buckmeier (2)

Teri Burnside (2)

Mike Cody

Pete Daly (2)

Aaron Howell

Elliot Kolkovich

Tom Kroll (2)

Kevin Mayer

Greg Peacock

Angela Poth-Wypasek

Justin Richard

Dustin Roth

Dan Sallerson

Jennie Shuki

Ryan Stickel

Angela Walls-Alexander

### 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](mailto:hart@prosecutor.summitoh.net).

Contact the Summit County Prosecutor's Office

53 University Avenue

Akron, Ohio 44308

330-643-2800

[www.co.summit.oh.us/prosecutor](http://www.co.summit.oh.us/prosecutor)