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News from the Criminal Division

Message from Prosecutor Sherri Bevan Walsh



Cooperation is an essential component of a successful case. There are many players in a criminal case,

most police officers do their job day in and day out without fanfare.

They dedicate their lives to preventing, stopping and solving crimes because of a higher calling.

and we all have to work together to bring justice for the victim.

It is crucial that victims and witnesses find the courage to testify during trial. Their testimony often provides important information that we could not otherwise introduce.

But before we even get to the trial stage, my office works closely with law enforcement to build a solid case. We rely on the police to conduct a thorough investigation that identifies not only a suspect, but also determine a motive, gather as much evidence as possible and interview all suspects and witnesses.

Then we ask the responding officers and detectives to come in to court to testify.

Our local law enforcement officers put their lives in jeopardy every day to keep us safe. While media stories about tragic crimes occasionally mention an officer by name in recognition of an heroic feat,

THE VANGUARDS

What a strange breed these men in blue,
Who keep watchful eyes on me and you.
They're there when needed, or when called,
To handle almost anything at all.
A lost little child, or a homicide,
They have to take it all in stride.
There seems to be this magic shield,
So as not to let them yield.
To the mental anguish of their toil,
Like cars demolished in a deadly gargole,
Of bodies, blood, and burning steel,
Just what do these men really feel?
Do they cry silently at night?
From scenes filled with horror and of fright?
Do they feel, do they have a heart?
Does what they see and know tear them apart?
I do not know, I can not say,
What keeps their vigil constant each day.
But I will say with joy and pride,
I am glad these men are on our side.
I thank the Lord for men like these,
The silent Vanguards of our peace.

Chief Michael C. Kallai
Barberton, Ohio

This year marks the 50th National Police Week, which was started by President John F. Kennedy to recognize the dedication of law enforcement officers, as well as honor those who gave the ultimate sacrifice in the line of duty.

I thank every member of law enforcement locally and nationally for doing the work you do with honor, professionalism and passion. My office could not do its work without you.

And I hope that next time you see a police officer, you thank him or her for working to protect you. I also encourage you to visit the newly-dedicated Michael Kallai Memorial for Fallen Officers at the Furnace Street Mission in Akron.

The memorial is named for the former Barberton police chief who died of a heart attack while on vacation two years ago.

Stay safe,

Take 25



Make time to talk
about child safety.

Can you take 25 minutes out of your day to talk to your kids about safety?

The National Center for Missing & Exploited Children (NCMEC) is challenging parents, guardians and educators to do just that with its Take 25 campaign. Take 25 aims to increase awareness of National Missing Children's Day, which is annually recognized on May 25.

According to NCMEC, approximately 800,000 children are reported missing each year in America. Although that is certainly

a scary figure, there is good news: four out of five children who were involved in an attempted abduction were able to escape, either by actively resisting or recognizing something was wrong and running away.

NCMEC believes that parental involvement and education can help reduce the risks older kids and teens face as they become more independent. When parents have an open dialogue with their children, kids are less likely to become a victim of abduction, sexual exploitation and online harassment.

The Take 25 website, at www.Take25.org, offers resources for talking to kids and safety tips such as:

- Encourage children to tell you if anything they encounter online makes them feel sad, scared or confused

- Make sure children know how to reach you at work or on your cell phone
- Walk or drive the route to and from school with children, pointing out landmarks and safe places to go if they're being followed or need help
- Practice "what-if" situations and ask children how they would respond. For example: "What if you fell off your bike and needed help? Who would you ask?"

GASP (Guardians Advocating Child Safety and Protection) is sponsoring National Missing Children's Day at Summit Mall on May 25 from 5:30 -- 7:00 p.m. This event is free to the public and will feature family-friendly activities and informational booths. I hope to see you there!

What is Grand Jury?

In order for someone to be charged with a felony, the case must first be presented to a grand jury. The grand jury is a group of 12 Summit County citizens who are chosen in the same way as trial jurors, but instead of deciding whether someone is guilty or not guilty, the grand jury decides whether probable cause exists for an individual to be charged (or "indicted"). In order to make this decision, grand jurors hear testimony from police officers, witnesses and victims of crime.

Each grand jury serves for about two months and hears evidence on hundreds of felony cases. The grand jury takes a vote after each case is presented. Only nine of

the 12 grand jurors vote (three are alternates and only vote if needed). If seven grand jurors determine probable cause exists, the case is formally indicted. It then moves forward through the criminal justice process, often resulting in a plea agreement or a full trial. If less than seven find probable cause, the case is dismissed (or "no billed").

By law, grand jury proceedings are confidential. Only the prosecutor, grand jurors and testifying witness are present during proceedings. The grand jurors are held to a strict code of confidentiality and cannot disclose the nature of the proceedings to anyone -- even close friends or family members.

Moreover, only the grand jurors are present during deliberations, and how each individual grand juror votes on a particular case is never disclosed.

The grand jury serves a critical function in the criminal justice process by guarding against frivolous or unfounded charges. The grand jury is not a "rubber stamp" for the prosecution. Grand jurors are duty-bound to examine each case and determine for themselves whether probable causes exists for an individual to be charged. While the time commitment is significant, most grand jurors find the experience educational and rewarding.

May Top Cop

Top Cop: Akron Police Officer **Garry Ivey**

Nominated By: Assistant Prosecutor Jennie Shuki



What began as a two-car crash at 4:00 a.m. on August 29, 2010 quickly turned into a complicated Aggravated Vehicular Homicide case. Shauntae Hill was driving at a high rate of speed on Copley Road when she struck an oncoming car driven by Lynette Hayward. Hayward's infant granddaughter, who was in the back of the car, was killed in the collision.

Hill, who was drunk, claimed to have been a passenger in the car, which she said was driven by another woman. However, Officer Garry Ivey found blood on the driver's side airbag in Hill's car. He sent a sample of the blood to BCI. The results proved it was Hill's blood.

Officer Ivey's detailed investigation further determined that Hayward, who was also drunk, failed to both properly strap her granddaughter

into the car seat as well as secure the car seat to the car. Those two actions resulted in the force of the impact throwing the baby from the car seat. The baby died as a result of major head trauma.

Officer Ivey took great care in documenting the crash scene through photographs and measurements. This evidence was a huge asset at trial in explaining to the jury what happened, who was at fault and why their actions contributed to the baby's death.

Officer Ivey also testified at trial as an accident reconstruction expert. He clarified in layman's terms how the crash happened and exactly recreated what happened at the scene. He described the speeds at which both vehicles were going before the crash and what would have happened if both had been following the speed limit, as well as

how the vehicles came to stop where they did and how alcohol affects a person's ability to react in a car crash. Officer Ivey handled cross-examination questions from two defense attorneys and conducted himself at trial with fairness and professionalism.

The jury considered all the evidence and convicted both women for their part in the death of the infant. On May 16, Judge Elinore Stormer sentenced Hayward to two years of community control and 30 days of house arrest and Hill to six years in prison. We would not have succeeded at trial without the time and attention given to this tragic case by Officer Ivey.

That's why Officer Garry Ivey from the Akron Police Department is May's Top Cop.

Way to go, Officer Garry Ivey!

Agency Spotlight

Founded in 1981 to help people convicted of Driving Under the Influence, **Oriana House** now offers 25 programs in Cuyahoga, Seneca and Summit Counties to help offenders become productive members of society.

These programs include both residential and nonresidential corrections and alcohol

and chemical dependency treatment programs.

The biggest effect of the revised sentencing guidelines that were enacted in October is that a greater number of offenders are now eligible for treatment programs in lieu of a prison sentence.

This means my office must work even more closely with

treatment centers like Oriana House to ensure that these agencies are able to handle the influx of clients.

Thank you to everyone at Oriana House for providing comprehensive programs that provide our judges with more sentencing options!



Meet Assistant Prosecutor Jon Hart



Hire Date: December 2011

Title: Assistant Prosecutor

Hometown: Hartville, Ohio

Education: I graduated from Ohio University in 2008 with a B.A. in political science. I earned my J.D. in 2011 from the University of Akron School of Law.

Background: This is my first position in the legal field. I went to law school immediately following college.

Fun Facts About Me: I am a member of the Mayflower Society because I am a direct descendant of John Alden and William White, two of the Pilgrims who came to the New World aboard the Mayflower in 1620.

Job Duties: As an assistant prosecutor in the dependency and neglect section of the Juvenile Division, I represent Summit County Children Services and prosecute cases in which children are abused, neglected and/or dependent.

Most Memorable Case: I recently handled a legal custody trial that lasted six days and involved a multitude of witnesses. We ended the final day of the trial at 9:00 p.m. because we wanted to finish without being forced to come back for a seventh day. It was exhausting, but also satisfying to finish such a difficult trial.

Why I Wanted to Become a Prosecutor: I love being one of the good guys. The purpose of a prosecutor is to seek truth and justice, and I would not want to practice law in any other way. I enjoy being in court every day. Being a prosecutor continues to be a remarkable experience. Having the opportunity to better the lives of children makes my job particularly fulfilling. And working with such great people in the Juvenile Division doesn't hurt!

Guilty at Trial

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

Nik Buckmeier (3)

Aaron Howell

Ryan Stickel (3)

Jay Cole (3)

Justin Richard

Mike Todd

Joe Dangelo

Jennie Shuki (2)

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.

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