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News from the Criminal Division

October 2012

Message from Prosecutor Sherri Bevan Walsh

Did you know October is National Domestic Violence Awareness Month?

While abuse within a relationship is never okay, those of us who work with victims and offenders of domestic abuse take the month of October to call extra attention to this problem.

For a long time, domestic violence wasn't considered a crime -- it was a personal matter between a couple.

We've come a long way since then.

Last October, the first felony Domestic Violence Court in Ohio started right here in Summit County. Defendants who qualify for this specialized docket must partake in intensive supervision, counseling, a batterer's intervention program and other programs designed to change the way the offender relates to others.

The goal of this program is to reduce the likelihood that the defendant will re-offend. We've seen some positive results so far.

Domestic violence can take many forms. In addition to physical violence, abusers may engage in emotional and psychological abuse, sexual violence, cruelty toward the victim's pets and even exert extreme financial control.

My office is working hard to combat and prevent domestic violence. In addition to starting our Domestic Violence Court, last week we hosted a conference on domestic violence. We brought in presenters

from across Ohio and the U.S. You can read a little more about that on page two.

If you or someone you know is in an abusive relationship, there are many organizations available to help. Call the Battered Women's Shelter of Summit & Medina Counties at (888) 395-4357 for assistance.

Stay safe,

Don't forget!

I'm hosting two more mother-daughter self-defense classes this month.

Wednesday, October 17

6:30 - 8:30 p.m.

Lifestyles

1940 Town Park Blvd, Green

Wednesday, October 24

6:30 - 8:30 p.m.

Dominion Family Church

90 W. Thornton Street, Akron

These fun, informative classes are free, and no registration is required. For more information, contact April Wiesner at (330) 643-8386 or wiesner@prosecutor.summitoh.net.

Tough Prosecution

Once again, my assistant prosecutors secured guilty verdicts in every case they took to trial last month. And in each of those cases, the defendant was found guilty of at least the highest felony with which he was charged.

It's quite an accomplishment to do that two months in a row!

But we don't rest with a guilty verdict. We also strive to ensure defendants receive an appropriate sentence. September was no exception. Here are just a few of the defendants who will be out of our community for a lengthy period of time, thanks to the hard work of my assistant prosecutors:

Heather Lerch, 21

- Life in prison for the death of her infant son Patrick
- Eligible for parole in 2034

Ronald Legg, 22

- Life in prison for the death of Patrick Lerch
- Eligible for parole in 2039

Brolin Payne, 40

- Life in prison for raping and sexually assaulting an eight-year-old girl
- Eligible for parole in 2037

James Maffei, 52

- 27 years in prison for shooting at another man and members of the Sheriff's SWAT team

Rudolph Ammons, 30

- Life in prison for murdering Anthony Hargrove
- Eligible for parole in 2027

James Winchester, 26

- 18 years in prison for raping an Akron teenager

State v. Jillian Hobbs

According to Ohio law, a person cannot simultaneously hold the positions of deputy sheriff and of deputy clerk for a municipal court in the same county. A warrant that is issued by a deputy sheriff acting in the dual capacity as a deputy clerk is invalid.

Generally, the appropriate remedy for a defective warrant issued subsequent to a warrantless arrest is the suppression of wrongly obtained evidence and not dismissal of the charges. However, if no evidence was obtained subsequent to the arrest, there is no evidence to suppress.

In the case of *State v. Jillian Hobbs*, a sergeant in the Summit County Sheriff's Office was also deputy clerk at the Barberton Municipal Court. The deputy clerk was not directly or indirectly involved in the investigation of the appellant's case. Neither the trial court nor the appellate court found any facts to suggest that the deputy clerk had acted improperly or lacked impartiality.

Nonetheless, the Supreme Court of Ohio held that the deputy clerk's dual position as a sergeant in the

sheriff's department and a deputy clerk at the Barberton Municipal Court created an "inappropriate tension between the executive function of law enforcement and the judicial function of determining probable cause."

Additionally, a deputy clerk acting in such a dual capacity runs the risk of facing divided loyalties and conflicting duties. Consequently, a deputy clerk who simultaneously holds the position of deputy sheriff in the same jurisdiction lacks the requisite neutrality and detachment to make the probable cause determination necessary for issuing a valid warrant pursuant to Crim.R. 4(A)(1).

The Supreme Court dismissed the discretionary appeal, which presented the issue of whether the exclusionary rule is an appropriate remedy for an invalidly issued arrest warrant, because it was improvidently accepted. In this case, there was no evidence obtained after the arrest. Thus, the invalid warrant led to no evidence subject to suppression.

October Top Cop

Top Cop: Akron Police Officer **Howard Vaughn** and
Akron Police Crime Scene Unit Detective **Anna Romito**

Nominated By: Assistant Prosecutor Mike Rickett



On June 15, a retired couple in their 70s was sitting in the garage of their Firestone Park home when Dewand Hammett broke in. Branding a gun, he demanded their money and jewelry. Hammett then dragged the couple inside their home, threatened multiple times to kill them and stole hundreds of dollars in cash. He brought them back out to the garage, where he demanded more jewelry and the keys to the couple's minivan.

Hammett fled in the van when one of the victims ran into the house and called 911.

Within 15 minutes, Patrolman Howard Vaughn found the victims' stolen minivan in an apartment building parking lot on Gale Street. Officer Vaughn spotted Hammett in the doorway of one of the apartments and was able to convince the resident to allow police to search the apartment.

Detective Anna Romito of the Crime Scene Unit discovered a hole in a closet wall with one of the victim's wallet, driver's license and jewelry, as well as the same type of gun used in the robbery and the stolen van's registration and key.

Without the quick thinking of Officer Vaughn and the thorough job of Detective Romito, Hammett may have gotten away with the robbery.

Way to go, Officer Howard Vaughn and Detective Anna Romito!

Agency Spotlight: Ohio Domestic Violence Network

The Ohio Domestic Violence Network (ODVN) works to increase Ohio's response to and prevention of domestic violence by providing training to partner agencies and public awareness to the community. ODVN also advocates for improved public policy regarding domestic violence.

One of the foundations of ODVN is collaboration among agencies and organizations that provide support and education to domestic violence victims and offenders.

ODVN believes in not only supporting, but also empowering victims of domestic violence. Victims need to be able to take control of their own lives in order to escape the cycle of violence.

Domestic violence takes many forms. While it certainly can involve very visible injuries, domestic violence can also involve emotional and psychological abuse, such as threats, degradation and even animal abuse. Many

times, the scars left by domestic violence are invisible.

One of the guiding principles of ODVN is that ending domestic violence requires a societal change. Domestic violence is not a private matter, but rather an issue that affects the entire community. And it will take a shift in the way our community thinks and the way our laws are written to truly end domestic violence.



Thank you, Ohio Domestic Violence Network, for all that you do on behalf of victims of domestic violence!

You can learn more about the Ohio Domestic Violence Network, including ways to help, by visiting ODVN's website at www.ODVN.org.

Meet Assistant Prosecutor Katie Tomko



Hire Date: March 2012

Title: Assistant Prosecutor

Hometown: Cleveland, OH

Education: I earned my Bachelor of Arts from John Carroll University and my Juris Doctorate from Cleveland-Marshall.

Background: I have been passionate about helping families as well as crime victims for some time. I spent a summer during college volunteering for the Witness/Victim Service Center. I have also interned with The Legal Aid Society's Family Law Unit and was a law clerk at a divorce law firm prior to becoming an assistant prosecutor.

Fun Fact About Me: I have taken self-defense classes for the past three years. Also, I enjoy writing, and one of my poems was published in a book.

Job Duties: I represent the Summit County Children Services Board in Dependency/Neglect cases in Juvenile Court.

Most Memorable Case: The most meaningful case to me thus far was a recent permanent custody case that I had. The mother had not followed through with anything she was required to do on her case plan, and the father's identity was unknown. The mother had passed her child around to various relatives and was an inconsistent presence in the child's life. However, the child's foster parents were amazing, and she has considered them to be her mom and dad since she came into care. Permanent custody was granted. And although the status of whether she will be adopted is uncertain at this time, being a part of fighting for a better life for this child had a huge impact on me.

Why I Wanted to Become a Prosecutor: I wanted to become a prosecutor because I know how it feels to be the victim of a crime, and I wanted the opportunity to use my own experiences in order to fight for and help victims. My first time in a courtroom was for the sentencing of the man who had taken my sister's life. My sister had been my best friend, and losing her devastated me. However, I decided that when faced with tragedy, you can either let it defeat you, or you can turn it around and try and use the experience to help others. So I strive to make a positive difference in the lives of others. I know my sister is watching over me, and I hope she is proud.

Guilty at Trial in September

FOR THE SECOND MONTH IN A ROW,
ALL OF OUR JURY TRIALS RESULTED IN GUILTY VERDICTS!

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

Jay Cole

Brian LoPrinzi

Elliot Kolkovich

Dan Sallerson

Tom Kroll (2)

Colleen Sims

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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