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February 2013

News from the Criminal Division

Message from Prosecutor Sherri Bevan Walsh

By now probably everyone has heard the news that Judge Judy Hunter issued a ruling exonerating Douglas Prade of the 1997 murder of Dr. Margo Prade. You've probably also heard that my office is appealing that ruling.

I was not in this office when Prade was convicted in 1998. The two assistant prosecutors who handled that case have since moved on.

Senior prosecutors and I have carefully reviewed this case. We've spoken with members of the Akron Police Department who spent many long months investigating this case. We've consulted numerous DNA, bite mark and eyewitness experts.

In 1998 a jury of 12 people listened to 52 witnesses testify over the course of 12 days. They reviewed 243 items of evidence. They concluded beyond a reasonable doubt that Douglas Prade murdered Dr. Margo Prade.

There are some who say appealing Prade's exoneration is all about ego and a determination by my office to always be right. That opinion is offensive to everyone in my office.

We work hard every day to seek justice for those who have been harmed. This case is no different.

The evidence used to convict Prade was overwhelming. The case was never about DNA. The jurors said after

the trial that a lack of DNA had no bearing on their decision to convict. This case was about the worst that can happen in a domestic violence situation.

Margo feared her soon-to-be ex-husband would kill her. We know that because she was heard saying just that to many friends on the more than 400 phone calls

Prade secretly recorded. He stalked her and verbally abused and threatened her. She was terrified.

Additionally, eyewitnesses placed Prade at the murder scene, his alibi was discredited and we have a handwritten tally of Prade's outstanding debts subtracted from the life insurance he'd receive if Margo died.

Three-quarters of murdered women were stalked within the year before their death. Spying was the most frequent type of stalking. Women who are murdered by a current or former intimate partner often also experienced domestic violence and a severing of the relationship prior to their murder.

The latest DNA testing is essentially meaningless. DNA experts at the Ohio Bureau of Criminal Investigation examined the results and determined they are only proof that the material tested has been contaminated. See my website at www.co.summit.oh.us/prosecutor for a more detailed explanation.

Stay safe,



Perseverance Pays in Arson Investigation

My office doesn't see a lot of arson cases, so it's always interesting when we have one. Our recent case against Scott Purk deserves special recognition for Stow Detective Ken Mifflin's phenomenal and thorough investigation. His dedication has not only assisted in the successful prosecution of a guilty defendant, but also helped send a dangerous man to prison for a long time.

Scott Purk, 50, of Stow, burned down his house in March 2009. Purk hoped to collect approximately \$150,000 in insurance money. A year later he set fire to a duplex in Stow in the attempt of making his home's fire look like the work of another arsonist. A resident of the duplex, who was sleeping at the time, was fortunately able to escape uninjured.

Detective Mifflin investigated the case for close to two years. He examined every statement made by Purk and every aspect of the case to the fullest extent. Throughout his investigation, Detective Mifflin worked closely with the fire departments in Stow and Cuyahoga Falls. The assistant prosecutors who worked on this case, Angela Poth-Wypasek and Jay Cole, were greatly impressed by Detective Mifflin's efforts.

In December 2012, Purk pleaded guilty to all of the indicted charges toward the end of his trial. Those charges included one count of Attempted Aggravated Murder, six counts of Attempted Aggravated Arson, one count of Insurance Fraud, two counts of Disrupting Public Services and two counts of Endangering Children. Judge Tammy O'Brien sentenced Purk to the maximum sentence of 28 years in prison, a testament to the outstanding investigation conducted by Detective Mifflin.

Ken Mifflin is an invaluable detective. I thank him for his work on the Purk case and know he will continue to put forth the same amount of effort on future cases.

Tough Prosecution

Here are a few defendants my assistant prosecutors recently convicted:

Joseph R. Litten, 31

- Rape
- Kidnapping
- Sentenced to 20 years in prison
- Lifetime Sex Offender registration

Scott David Purk, 50

- Attempted Aggravated Murder
- Aggravated Arson (six counts)
- Insurance Fraud
- Disrupting Public Services (two counts)
- Endangering Children (two counts)
- Sentenced to 28 years in prison

Dawud Spaulding, 30

- Aggravated Murder (two counts)
- Attempted Murder
- Felonious Assault
- Domestic Violence
- Having Weapons Under Disability
- Intimidation of a Crime Victim
- Violation of a Protection Order
- Jury recommended death

Guilty at Trial in January

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

Nik Buckmeier

Felicia Easter (2)

Greg Peacock

Dan Sallerson

***"Truth will ultimately prevail
where there is pains to bring it to
light."***

~ George Washington

The Summit County Prosecutor's Office will be closed on Monday, February 18 in observance of Presidents' Day.

February Top Cop

Top Cop: Akron Police Department Lt. James Phister

Nominated By: Assistant Prosecutors Angela Walls-Alexander and Tom Kroll



Dawud Spaulding of Akron was recently convicted of murdering Erica Singleton and Ernie Thomas and paralyzing Patrick Griffin in a shooting spree that took place on December 15, 2011.

Singleton, the mother of Spaulding's two children, had filed for a civil protection order against Spaulding earlier in December and then went into hiding.

When Spaulding discovered Singleton's location, he drove past where she was staying in the morning, shooting and paralyzing Griffin, who was standing in the driveway. Spaulding later returned to the home and shot Singleton and Griffin's uncle, Ernie Thomas, in the driveway.

Akron Police Lt. James Phister was

the lead detective on this case and instrumental in the investigation. He connected the shooting of Griffin to the later murders of Singleton and Thomas. Had the connection not been made, the evidence would have been circumstantial. Furthermore, Lt. Phister linked the shell casings from both shootings to the gun used by Spaulding.

During the trial, Lt. Phister went the extra mile by offering advice to the prosecutors and attending the trial every day after working his shift all night. Assistant prosecutors Angela Walls-Alexander and Tom Kroll are deeply grateful to Phister for his ardent assistance in this case.

The jury found Spaulding guilty of a slew of charges for murdering

Singleton and Thomas and paralyzing Griffin.

Because he was convicted of killing or attempting to kill at least two people during a single event, Spaulding is eligible for the death penalty.

The jury voted February 8 to recommend Spaulding be sentenced to death. Judge Paul Gallagher is set to officially sentence Spaulding on February 15.

Lt. Phister is undoubtedly dedicated to his profession. That he cared so much about this case was readily apparent to everyone involved and certainly was obvious to the jury.

Way to go, Lt. Phister!

Agency Spotlight: Office on Violence Against Women

The U.S. Justice Department's Office on Violence Against Women (OVW) works to reduce violence against women and to seek justice and strengthen services for victims of domestic and dating violence, stalking and sexual assault.

OVW provides assistance to numerous government and nonprofit organizations through education, awareness programs, policy initiatives and disbursement of federal grants. The Summit County Prosecutor's Office received a \$749,949 two-year grant from OVW in October 2011. The grant continues to fund our Domestic Violence Unit, which includes a probation officer, assistant prosecutors, an investigator, an advocate from Victim Assistance Program and an advocate from the Battered Women's Shelter.

We also used some of the grant money to host a Domestic Violence Conference this past October. In

addition to educating Ohio attorneys, social workers and therapists who work with victims of domestic violence, the conference provided my office with an opportunity to share what we've learned in our Felony Domestic Violence Court's first year. That court is also partially funded through our grant.

Thank you to the Office on Violence Against Women for the important work you do! Our Domestic Violence Unit would not be as successful without your financial, technical and educational support.

To learn more about the Office on Violence Against Women, visit <http://www.ovw.usdoj.gov/index.html>.



In Memoriam: Phyllis Cottle

Our community, including my office, is mourning the loss in late January of one of Summit County's most inspiring women. Phyllis Cottle was diagnosed last spring with Stage IV cancer, but she was no stranger to nightmares. She took the news in stride and stayed unbroken until her death. It is because of her good will and gumption that we should continue battling evil on her behalf, especially by protesting every petition for parole by Samuel J. Herring (inmate A180009).

On March 20, 1984, Phyllis was leaving the home improvement business where she worked when Herring forced her into her 1974 Buick LeSabre. He drove her to a house, where he raped and robbed her inside her own car. Herring left momentarily to withdraw money from her bank account, then returned and raped Phyllis again. Hoping to hide his crimes, Herring plunged a knife into both of her eyes and set fire to the car, abandoning the scene and leaving Phyllis to die. Incredibly, Phyllis was able to escape the vehicle through a back door and eventually identify Herring, putting him behind bars.

Where will is often broken, Phyllis would not break. She knew that she had to overcome any pity she may feel towards herself and move forward with her life. Slowly, Phyllis processed the situation, forbidding herself to give up. During her recovery, Phyllis spent a lot of time at the Akron Blind Center, where she learned the essential skills needed to live without her sight, including sewing. There she found peace and even a few unexpected friendships.

Churches and schools welcomed Phyllis with open arms, inviting her to speak about her blindness and how to work with the totally blind, knowledge with which not many are equipped. She enjoyed spending time with children, who made her smile with their inquisitive nature.

Those who knew her saw her as someone special. She amazed all with her ability to fall and suddenly jump back up. Her friends say it was her humor that kept her so pleasant. Phyllis found laughter in all things, even the bad situations; it was her most powerful medicine.

Phyllis lived her life in the spotlight after the horrific crime that changed her life, so it was with conscious decision that she chose to die in peace, away from the public eye. Although she has passed, her legacy lives on through what she has done and what we must do for her. She believed that people were in prison for good reason. I urge you to write the parole board not only to keep Samuel J. Herring in prison, but other violent offenders as well. Opinions, as Phyllis believed, do matter.

Phyllis was a fighter who did not live in defeat, but rather conquered her hardships and inspired others to do the same. The next time we are having difficulties at the office or life is not going as planned, remember the example set by Phyllis Cottle.

For information on how to contact the Parole Board, visit its website at http://www.drc.ohio.gov/web/parboard_contact.htm.

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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