



News from the Criminal Division

Message from Prosecutor Sherrri Bevan Walsh

If you've been paying attention to the news out of my office over the past few months, you may have noticed something unusual. As of November 5, my office has 21 pending murder cases. That includes seven defendants (in six cases) who could face the death penalty. Our prosecutors have already completed three death penalty cases this year. Two defendants received death sentences. The third received life in prison without parole.

Admittedly, that is an unusually large number of capital cases. Is this high number of pending death penalty cases because of a change in policy?

Hardly. The unfortunate truth is that the crimes we've seen lately have become increasingly severe.

There are at least two victims in each of our pending death penalty cases. One of the cases involves four victims. One case involves the murder of a young child.

A case must meet certain criteria to be indicted with a death specification. In Ohio, there are several circumstances that make a case eligible for the death penalty. Among the more common are:

- Two or more victims
- Victim was a police officer
- Defendant has a prior murder conviction
- Murder while committing:
 - Kidnapping
 - Rape
 - Aggravated Arson
 - Aggravated Robbery
 - Aggravated Burglary
- Victim killed to prevent trial testimony
- Victim younger than 13

Everyone in my office takes very seriously the decision of whether to seek the death penalty on eligible cases. A team of experienced prosecutors, including me, screen all eligible cases to determine if we should seek the death penalty.



This process includes talking with the family of the victim(s), i n - d e p t h meetings with the investigators and reviewing all evidence to determine what, if any, additional investigation or expert testing would be warranted.

Capital cases can take much longer to prosecute, and then the defendant may go through several appeals before being executed. Once all appeals are completed, my office presents the matter to the Ohio Parole Board to answer any last minute questions or clemency requests.

Our ultimate goal is to seek justice for victims and to ensure the public's safety. When a case meets the criteria for a death specification, we must always carefully consider what is in the best interest of the victims, their family and the community at large.

Stay safe,

HOMICIDE STATS:

2013
37 MURDER DEFENDANTS*
10 WITH DEATH SPECIFICATIONS

2012
30 MURDER DEFENDANTS
0 WITH DEATH SPECIFICATIONS

2011
21 MURDER DEFENDANTS
1 WITH DEATH SPECIFICATIONS

2010
21 MURDER DEFENDANTS
3 WITH DEATH SPECIFICATIONS

** As of November 5, 2013*



Angel Tree Ceremony

Losing a loved one leaves a hole in your heart that nothing can fill. Losing that person at the hands of another is a tragedy beyond compare.

Immediately following a tragedy, the survivors are inundated with visits, calls and cards from well-meaning friends and family. But as time passes, the check-ins fade as everyone moves on with their lives.

For someone whose loved one was taken too soon because of violence, the pain never goes away. And watching your loved one fade from the memory of others only adds to that pain.

Those who work every day with victims and survivors understand all too well the toll that violence takes on the community.

Victim Assistance Program provides family members of homicide victims an opportunity to honor their loved ones at its annual Angel Tree Ceremony. At the ceremony, Victim Assistance Program staff will read the names of the more than 800 homicide victims who will be remembered.

Family members will be able to hang an angel on one of the three 12-foot Angel Trees. Volunteers will hang angels in remembrance of victims with no family present.

Additionally, family members can give Victim Assistance Program a 5-inch by 7-inch photo of their loved one to put on the Wall of Remembrance.

The Angel Trees and Wall of Remembrance will be on display throughout the holiday season.

Bob Fiatal, Ohio Assistant Attorney General and director of the Safe Neighborhoods Initiative, is this year's keynote speaker.

Now in its 19th year, the Angel Tree Ceremony will take place on Monday, December 2 from 6:00 - 7:30 p.m. at the Akron-Summit County Public Library auditorium at 60 South High Street in Akron. The ceremony is free and open to the public.

For more information on Victim Assistance Program and the Angel Tree Ceremony, call Victim Assistance at (330) 376-0040. You can also visit Victim Assistant Program online at www.VictimAssistanceProgram.org.



Tough Prosecution

These defendants are out of our community for a long time thanks to the hard work of my assistant prosecutors:

Johnnl Lewis, age 21

- Aggravated Murder
- Aggravated Robbery
- Tampering with Evidence
- Having Weapons Under Disability
- **Sentenced to life in prison**
- **Eligible for parole in 2044**

Ronald Phillips, age 40

- Aggravated Murder
- Felonious Sexual Penetration
- Rape (three counts)
- **Ohio Parole Board rejected clemency**
- **Execution scheduled for November 14**

Guilty at Trial in October

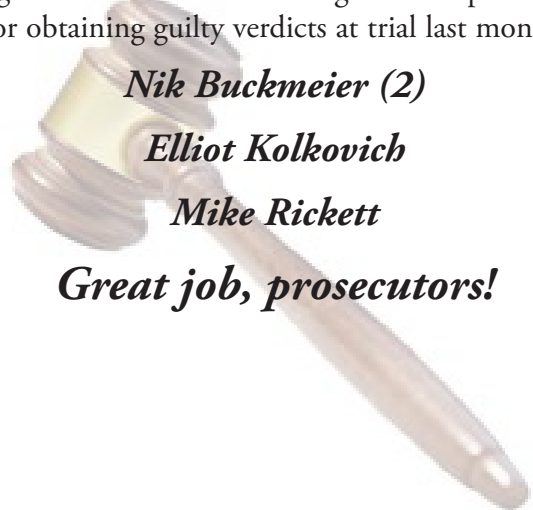
Congratulations to the following assistant prosecutors for obtaining guilty verdicts at trial last month:

Nik Buckmeier (2)

Elliot Kolkovich

Mike Rickett

Great job, prosecutors!



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.



November Top Cop

Top Cop: Detective Joseph Holsopple, Springfield Township Police Department
Nominated By: Assistant Prosecutors Brian LoPrinzi and Elliot Kolkovich

In summer 2012 a 15-year-old girl confessed to her friend that she was sexually abused. The friend told her mother, who called the police and Summit County Children Services.

The 15-year-old initially told the authorities exactly what she told her friend, but later changed her statement and identified her abuser as a deceased relative.

Although it is not unusual for victims of abuse to recant, Springfield Township Detective Joseph Holsopple had to suspend the case since there was no other evidence besides the 15-year-old's statement.

A few months later, Detective Holsopple ran into a childhood friend. This friend also happened to be related to the man initially

identified as the abuser.

The two talked briefly, and Detective Holsopple eventually apologized to his friend for investigating his relative. The friend disclosed that this was not the first person his relative had abused.

Detective Holsopple convinced his friend to give an official statement about previous abuse. He then interviewed the victim named by his friend.

Armed with new information, Detective Holsopple was able to reopen the case. He uncovered more victims, eventually interviewing seven women.

The abuser, 67-year-old Bearl D. Penix, pleaded guilty to two counts of Rape, Attempted Rape and

Attempted Gross Sexual Imposition. He was sentenced to life in prison and will not be eligible for parole until he is 77.

Detective Holsopple's perseverance led to Penix's conviction. Were it not for his chance meeting with a childhood friend, he may have never learned of the other victims.

In a case in which the most recent incident was only a few months old and the oldest incident was decades old, finding and interviewing this many victims was crucial in putting together this case.



Way to go, Detective Holsopple!

Agency Spotlight: Community Support Services

According to the National Institutes of Health, one in four adults will experience mental illness. And one in 17 adults lives with a serious mental illness.

Community Support Services provides comprehensive behavioral and primary health care for adults with severe and persistent mental illnesses. In addition to counseling, Community Support Services offers programs such as employment and vocational services, homeless outreach, psychiatric and psychological assessment and residential services.

Recognizing that those with severe mental illness are much less likely to reoffend when receiving treatment for their mental health issues, Community Support

Services partnered with the County of Summit Alcohol, Drug Addition and Mental Health Services Board, the Akron Municipal Court and the Stow Municipal Court to create a Mental Health Court.

This specialized program, which is available for misdemeanor offenders with mental health issues, provides defendants with a customized case plan that can include psychiatric, vocational and residential services.

Thank you for all that you do!

To learn more, please visit www.cssbh.org.



Meet an Assistant Prosecutor: Devorah Pasternak



Hire Date: April 2007

Title: Supervisor, Delinquency Division

Hometown: Cherry Hill, NJ

Fun Fact: I love to travel! I spent a year in Israel and five months in London. I don't have much time to travel these days, though, as my twin girls and newborn son keep me very busy.

Education: I earned my undergraduate degree from the University of Pittsburgh. I received my J.D. from the University of Maryland School of Law in Baltimore.

Background: I moved to Ohio after graduating from law school. I worked for one year at the Legal Defender Office before joining the Prosecutor's Office.

Job Duties: I supervise the attorneys in the Delinquency Division and prosecute charges brought against juveniles in Summit County.

My Most Memorable Case: Last year I prosecuted a rape case involving an eight-year-old victim. My interaction with this young girl influenced me as a professional more than any other victim, witness or even juvenile charged in my past seven and a half years of practice. Small in stature, she had the child's face you would expect of an eight-year-old, a soft high-pitched voice and a bubbly personality once you got to know her.

What I didn't expect was how she carried the weight of the whole case on her small shoulders, telling me that her grandma said it was her fault that her cousin (the juvenile charged) was in jail. She wanted to talk about what happened to her, but no one in her family seemed able to handle the gravity of the situation. No one was willing to face her many questions.

While the case was pending, a family member helped the accused boy run away to Cleveland, where he remained with an open warrant for six months before he was brought back to court. The youth ultimately admitted to the Rape.

At the disposition (sentencing hearing), the courtroom was full of family members. But those individuals were all on the boy's side of the courtroom. No one appeared on behalf of this brave little girl. Her mother could not bear to face the pressure of the other family members who would be in court. I stood alone on the State's side of the courtroom and emphasized to the court the impact this juvenile had on the victim and her family. The juvenile was ordered into residential placement.

When I think of the most vulnerable of victims, of the people who most need our office's strength and courage to fight against brutality and injustice, I remember this little girl. She is one of the reasons why I do what I do.

Why I Wanted to Join the Prosecutor's Office: I enjoy working in the niche area of juvenile delinquency. It can be one of the more frustrating and challenging areas of law in which to work, but these qualities make our successes all the more meaningful.

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