



# THE OHIO PROSECUTOR

January 2025

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From your Executive Director...



Prosecutors –

As the 136<sup>th</sup> General Assembly begins its work reflecting on some of the successes we had in the 135<sup>th</sup> General Assembly. I was obviously very disappointed in the outcome of the salary adjustment debate and sorry that it did not get done. While it is too late for this term, this is an ongoing discussion at the statehouse and we should continue to push legislators to do something sooner rather than later so that we avoid another lame duck scramble. We also had some success

enacting several longtime policy priorities most notably making felony domestic violence a high-tier F3, getting changes to public notice requirements, and prohibiting vexatious litigators from requesting public records, and increasing penalties for repeat theft offenders.

I also want to welcome our newly elected prosecutors to the OPAA. We have 28 prosecutors who were newly elected in November. About half were appointed sometime mid-term and another half just took office earlier this month. Our New Prosecutor Training was held January 23-24. It was well attended and the evaluations show that the training was well received. As importantly, it was a great opportunity for our OPAA staff and OPAA leadership to meet and start to network with many of our new members. We look forward to working for you and with you.

Lou



## At the Statehouse

Below is a current list of priority legislation along with the OPAA's position. For a full list of bills that we are tracking visit [www.ohiopa.org](http://www.ohiopa.org). **Please contact Lou if you have any questions about a piece of legislation or the reason for our position.**

Also, if you have any questions about the work of the legislature or the status of any legislation, please let us know!

### **135<sup>th</sup> General Assembly – Lame Duck Enactments with Effective Dates**

This summary includes only the title information for these Acts. Several of these Acts were amended extensively during lame duck and contain changes that may not be described below. For more detailed information refer to the OPAA Enactment Memo sent on December 20, 2024.

[House Bill 37 \(OVI Penalties\)](#) *Effective April 9, 2025* – Modifies the laws related to OVI offenses and in particular aggravated vehicular homicide. The legislation also authorizes law enforcement to collect an oral fluid sample from a person arrested for OVI and authorizes testing for that sample for the presence of a drug of abuse or a metabolite of a drug of abuse.

[House Bill 111 \(Domestic Violence Penalties\)](#) *Effective March 20, 2025* – Increases the sentencing range for third degree felony domestic violence and creates a presumption in favor of a prison term for the offense.

[House Bill 322 \(Criminal Grooming\)](#) *Effective April 9, 2025* – Creates the offense of grooming and makes it a first- or second- degree misdemeanor, except under specified circumstances in which the offense becomes a felony.

[House Bill 531 \(Sexual Extortion\)](#) *Effective April 9, 2025* – Creates the offense of sexual extortion and adds factors that a sentencing court must consider indicating that the offender's conduct is more serious than conduct normally constituting the offense. Requires a provider of an electronic communication service or of remote computing service operating in Ohio to comply with any court-issued search warrant or interception warrant, regardless of whether user data is held at a location within Ohio or at a location in another state.

[Senate Bill 109 \(Sex Offenses, Medical Professionals\)](#) *Effective March 21, 2025* – Makes changes to sex offenses and individuals regulated by the State Medical Board of Ohio.

[Senate Bill 100 \(Tracking Device Prohibitions\)](#) *Effective March 20, 2025* – Prohibits a person from knowingly installing a tracking device or application on another person's property without the other person's consent. Specifies fines for repeated violations of the prohibitions against selling tobacco to underage persons and selling tobacco products without checking the consumer's identification.

[House Bill 366 \(Fight Organized Retail Crime Act\)](#) *Effective April 9, 2025* - Enacts the Fight Organized Retail Crime and Empower Law Enforcement Act to create the Organized Retail Theft Advisory Council and an investigative task force, the crime of theft of mail, and modify theft offenses and penalties related to retail property.

[House Bill 289 \(SORN Law Compliance\)](#) *Effective March 20, 2025* - Provides that if a Tier I or Tier II sex offender/child-victim offender fails to comply with duties under the SORN law, the period of time that the offender has a duty to comply is tolled during the time of the failure. Repeals R.C. 2930.071, enacted by HB 343 (134<sup>th</sup> General Assembly), that established procedures relating to a subpoena of victims' records.

[House Bill 77 \(Drone Operation Requirements\)](#) *Effective April 9, 2025* - To establish requirements and prohibitions governing the operation of unmanned aerial vehicles in Ohio and to establish a process by which an abandoned or derelict aircraft may be sold.

[House Bill 234 \(Alford Pleas - Genuine Remorse\)](#) *Effective March 20, 2025* - Prohibits a court imposing a sentence on an offender for a felony or misdemeanor from considering

whether the offender who entered an Alford plea shows genuine remorse for the offense, revises the law relating to the suspension of a local official charged with a felony and makes changes to sealing and expungement eligibility.

[House Bill 29 \(Driver's License Suspensions\)](#) Effective April 9, 2025 - Makes changes to the laws governing driver's license suspensions and to the laws governing penalties for failure to provide proof of financial responsibility.

[House Bill 265 \(Public Records Law\)](#) Effective April 9, 2025 – Revises the public records law.

[House Bill 497 \(County Law Omnibus\)](#) Effective April 9, 2025 - Makes various changes regarding county law, extends the Erie county municipal court's territorial jurisdiction, modifies educational requirements for public children services agency caseworkers, extinguishes a land use restriction and release an easement in Montgomery County, and authorizes the conveyance of certain parcels of state-owned real property in Knox county.

[House Bill 315 \(Township Law Omnibus\)](#) Effective April 3, 2025 - Makes various changes to township and other local and state government law.

[House Bill 331 \(Village Dissolution\)](#) Effective April 9, 2025 - Modifies the law regarding village dissolution, and modifies official public notice requirements for asset forfeiture.

### Recently Introduced Legislation of Interest

**HB1 PROPERTY PROTECTION ACT** (KING A, KLOPFENSTEIN R) To modify the law that prohibits certain governments, businesses, and individuals from acquiring certain real property and to name this act the Ohio Property Protection Act.

**Current Status:** 1/28/2025 - Referred to Committee House Public Safety

**State Bill Page:** <https://www.legislature.ohio.gov/legislation-summary?id=GA136-HB-1>

**HB3 SCHOOL BUS SAFETY ACT** (WILLIS B, THOMAS C) To address school bus safety, to designate this act as the School Bus Safety Act, and to make an appropriation.

**Current Status:** 1/28/2025 - Referred to Committee House Transportation

**State Bill Page:** <https://www.legislature.ohio.gov/legislation-summary?id=GA136-HB-3>

### **HB REPEAT OFFENSE CLASSIFICATION, PENALTIES**

**5** (WILLIAMS J, WILLIS B) To enact the Repeat Offender Act to create a repeat offender classification, to create and modify certain firearm specifications, to increase the penalties for certain firearm offenses and specifications, to broaden the scope of relief from firearms disability, and to modify the sealing procedure for misdemeanors and fourth and fifth degree felonies.

**Current Status:** 1/28/2025 - Referred to Committee House Judiciary

**State Bill Page:** <https://www.legislature.ohio.gov/legislation-summary?id=GA136-HB-5>

### **HB UNDERAGE ALCOHOL CONSUMPTION-**

**19 CULPABILITY LEVEL** (BIRD A, WILLIAMS J) To reduce the mental state, from knowingly to recklessly, that applies to the prohibition against allowing an underage person to possess or consume alcohol in a private or public place.

**Current Status:** 1/28/2025 - Referred to Committee House Judiciary

**State Bill Page:** <https://www.legislature.ohio.gov/legislation-summary?id=GA136-HB-19>

### **HB PROHIBIT HARASSING EMERGENCY SERVICE**

**20 RESPONDERS** (HALL T, PLUMMER P) To prohibit a person from knowingly harassing or impeding an emergency service responder who is engaged in the lawful performance of a legal duty and to clarify that heightened penalties apply for menacing a probation officer.

**Current Status:** 1/28/2025 - Referred to Committee House Public Safety

**State Bill Page:** <https://www.legislature.ohio.gov/legislation-summary?id=GA136-HB-20>

### **HB CREATE ESCAPED CONVICT ALERT PROGRAM**

**23** (ROEMER B, WILLIAMS J) To create the escaped convict alert program.

**Current Status:** 1/28/2025 - Referred to Committee House Public Safety

**State Bill Page:** <https://www.legislature.ohio.gov/legislation-summary?id=GA136-HB-23>

**SB4 ESTABLISH ELECTION INTEGRITY UNIT** (GAVARONE T) To establish the Election Integrity Unit in the Office of the Secretary of State and to modify the law governing the prosecution of Election Law violations.

**Current** 1/29/2025 - Referred to Committee

**Status:** Senate General Government

**State Bill Page:** <https://www.legislature.ohio.gov/legislation/legislation-summary?id=GA136-SB-4>

**SB5 EXPEDITE REMOVAL-UNAUTHORIZED RESIDENTIAL OCCUPANTS** (BRENNER A, HUFFMAN S) To provide for the expedited removal of unauthorized occupants from residential property and to prohibit the use and sale of fraudulent deeds.

**Current** 1/29/2025 - Referred to Committee

**Status:** Senate Judiciary

**State Bill Page:** <https://www.legislature.ohio.gov/legislation/legislation-summary?id=GA136-SB-5>

**SB26 CREATE JOINT LAW ENFORCEMENT OVERSIGHT COMMITTEE** (JOHNSON T) To create the Joint Law Enforcement Oversight Committee and to make an appropriation.

**Current** 1/29/2025 - Referred to Committee

**Status:** Senate Armed Services, Veterans Affairs and Public Safety

**State Bill Page:** <https://www.legislature.ohio.gov/legislation/legislation-summary?id=GA136-SB-26>

**SB53 REGARDING CIVIL ACTIONS-VANDALISM, RIOTS** (SCHAFFER T) Regarding civil actions by persons who suffer injury or loss due to vandalism or riot activity.

**Current** 1/29/2025 - Referred to Committee

**Status:** Senate Judiciary

**State Bill Page:** <https://www.legislature.ohio.gov/legislation/legislation-summary?id=GA136-SB-53>

**SB55 CHANGE OVI LAWS-MARIHUANA** (MANNING N) To change the laws pertaining to operating a vehicle or watercraft while under the influence of marihuana and the admissibility of evidence for purposes of OVI statutes.

**Current** 1/29/2025 - Referred to Committee

**Status:** Senate Judiciary

**State Bill Page:** <https://www.legislature.ohio.gov/legislation/legislation-summary?id=GA136-SB-55>

**SB56 MARIJUANA-REVISE LAWS, LEVY TAXES** (HUFFMAN S) To consolidate the administration of the marijuana control program, revise the medical and adult-use marijuana laws, and to levy taxes on marijuana.

**Current** 1/29/2025 - Senate General Government,

**Status:** (First Hearing)

**State Bill Page:** <https://www.legislature.ohio.gov/legislation/legislation-summary?id=GA136-SB-56>

**SB61 RELATIVE TO COURTS, COURT PROCEDURES** (GAVARONE T, MANNING N) Relative to courts and court procedures.

**Current** 1/29/2025 - Referred to Committee

**Status:** Senate Judiciary

**State Bill Page:** <https://www.legislature.ohio.gov/legislation/legislation-summary?id=GA136-SB-61>

**SB62 SCHOOL BUS SAFETY-PENALTIES, MONTH DESIGNATION** (GAVARONE T) To authorize a civil penalty system related to drivers who illegally pass a school bus but cannot be identified, to designate the month of August as "School Bus Safety Awareness Month," and to designate this act as the School Bus Safety Act.

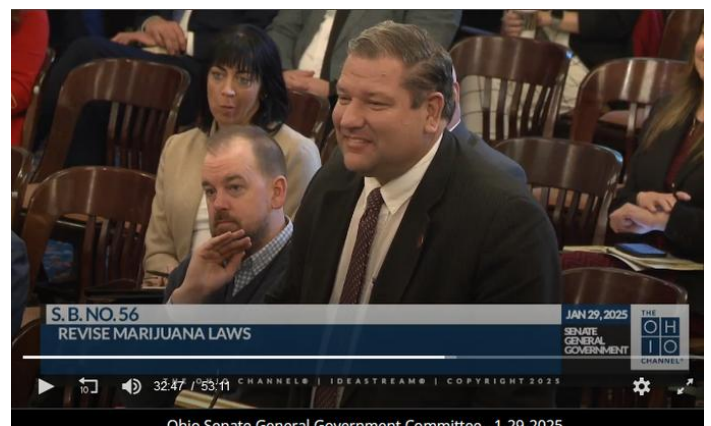
**Current** 1/29/2025 - Referred to Committee

**Status:** Senate Judiciary

**State Bill Page:** <https://www.legislature.ohio.gov/legislation/legislation-summary?id=GA136-SB-62>

We appreciate Carroll County Prosecutor and current OPAA Treasurer Steve Barnett coming to Columbus on the 29th to provide proponent testimony on SB56 (Marijuana laws) before the Ohio Senate General Government Committee.

You can view his testimony at <https://ohiosenate.gov/committees/general-government/video/ohio-senate-general-government-committee-1-29-2025-199805> starting around the 25 minute mark.



## New and Noteworthy



### Merit Decisions of Interest Since 11/1/24

*State v. Hickman*, 2024-Ohio-5747. The Court (4-3) held that the trial court has discretion to deny a change to nonsecured status for a defendant committed after a NGRI acquittal, even when the State fails to show by clear and convincing evidence that the change to a nonsecured setting will result in a threat to public safety or a threat to the safety of any person. (Decided 12-10-24; Ashtabula County)

*State v. Wilcox*, 2024-Ohio-5719. The Court (4-3) found that the statements by a distraught witness in the immediate moments after a shooting, as shown by the first half of a responding officer's body-cam recording, were non-testimonial because they were related to an on-going emergency. However, once it was broadcast that the defendant-shooter had been apprehended, the "emergency" was over, and the statements in the second half of the recording were testimonial and therefore inadmissible. (Decided 12-10-24; State's appeal; Hamilton County)

*State v. Smith*, 2024-Ohio-5745. The Court held that none of the statements made by the DV victim to the officer fell within the "emergency" exception and that such statements therefore were "testimonial" and inadmissible. But the victim's statements to EMTs were not "testimonial" because they were made for a medical purpose. (Decided 12-10-24; State's appeal; Cuyahoga County)

*State v. Kennedy*, 2024-Ohio-5728. Addressing judicial release under R.C. 2929.20, the Court (6-1) determined that the "aggregated nonmandatory prison term" is calculated on a global basis without regard to which judge imposed which sentence, but that "stated prison term" focuses on the particular sentence(s) imposed in individual cases and that only time served pursuant to the particular sentence(s) imposed in an individual case will count toward the prisoner's waiting period before seeking judicial release therefrom. (Decided 12-10-24; State's appeal; Franklin County)

*State v. Dunn*, 2024-Ohio-5742. The Court (6-1) upheld the sufficiency of the evidence on an allegation that the defendant had committed the charged aggravated trafficking offense "in the vicinity of a juvenile," emphasizing that this issue can be proven by circumstantial evidence. (Decided 12-10-24; State's appeal; Geauga County)

*State v. Miree*, 2024-Ohio-5714. The Court (5-2) held that S.B. 175's elimination of the duty to retreat for self-defense in most situations as effective 4-6-21 does not apply to trials held after the effective date of the act when the offense being tried occurred before the effective date. (Decided 12-10-24; Cuyahoga County)

*State v. Beatty*, 2024-Ohio-5684. The splintered Court (3-1-2-1) addressed firearm-specification terms imposed under R.C. 2929.14(B)(1)(g) and whether all of those terms can or must be imposed consecutively, issuing a judgment that the third and fourth firearm terms imposed in that case under (B)(1)(g) can only be served concurrently. (Decided 12-9-24; Clermont County)

*State v. Riley*, 2024-Ohio-5712. The splintered Court (3-3-1) reversed the appellate court's judgment, which had affirmed the trial court's summary denial of the defendant's application for DNA testing. The trial court's summary denial had failed to provide reasons for the denial, thereby violating the statement-of-reasons requirement set forth in the DNA-application statute. Coming after the defense had appealed the summary denial, the trial court's verbatim adoption of the State's proposed findings of fact and conclusions of law was improper, with the six justices supporting reversal

although being evenly split as to the reasons why. (Decided 12-9-24; Cuyahoga County)

*State v. Grad*, 2024-Ohio-5710. The Court (3-1-3) reversed, concluding that the common pleas court should have held a hearing on the defendant's motion for leave to file a delayed motion for new trial based on the allegation of new developments in the science of metabolic bone disease. (Decided 12-9-24; Medina County)

*State v. Glover*, 2024-Ohio-5195. The (3-1-3) decision yielded a four-justice majority concluding that the standard of review is deferential (and not de novo) when an appellate court is reviewing the trial court's consecutive-sentencing findings. (Decided 11-1-24; State's appeal, Hamilton County)

**Newly Accepted Criminal Law Cases Since 11/1/24**

24-1276 *State v. D.T.* Whether a voluntary guilty plea in adult court waives issues of competency and amenability related to the preceding discretionary bindover from juvenile court. (State's appeal; Cuyahoga County)

24-1475 *State v. Knight* (1) Whether individual errors that do not affect the trial's outcome can be considered under the cumulative-error doctrine; (2) whether the denial of a requested continuance of a post-trial hearing can be considered under the cumulative-error doctrine when that decision could not have impacted the outcome of the trial; (3) whether an appellate court can find an abuse of discretion when it admits that there was a logical reason for the trial court's decision. (State's appeal; Mahoning County)

24-1608 *State v. King* Whether the State can appeal from a trial court's judgment of acquittal entered pursuant to Crim. R. 29(B) following a jury's guilty verdict, when the judgment of acquittal should not be considered a "final verdict" under R.C. 2945.67(A) and when an appeal from a post-verdict judgment of acquittal does not violate double jeopardy. (State's appeal; Cuyahoga County)

24-1464 *State v. Fontanez* Whether a trial court completely fails to comply with Crim.R. 11(C)(2) so as to render a guilty plea invalid when it fails to explicitly state that a guilty plea constitutes a complete admission of guilt but when the court otherwise complies with the requirements of Crim.R. 11(C)(2), the admission of guilt is obvious from the context of the plea colloquy, and the defendant does not assert actual innocence. (Certified-conflict appeal) (Cuyahoga County)

24-312 *State v. Polizzi* Whether trial courts and appellate courts must consider the overall number of consecutive sentences and the aggregate sentence when imposing or reviewing consecutive sentences. (Accepted and held 5-14-24; briefing ordered 12-10-24) (Lake County)

24-1187/1301 *State v. Simmons* Whether evidence of force in the nature of manipulating a sleeping victim's clothing to facilitate sexual conduct with the sleeping victim is sufficient by itself to establish forcible rape in violation of R.C. 2907.02(A)(2), or whether said evidence is insufficient because the force did not compel the victim to submit to the sexual conduct in question. (State's discretionary and certified-conflict appeals; Montgomery County)

24-352 *State v. Hill* Whether a capital defendant's motion for Civ.R. 60(B) relief seeking the vacating of an earlier order denying post-conviction relief on a claim of intellectual disability should be treated as a successive post-conviction petition that is barred by R.C. 2953.23(A). (State's appeal; Trumbull County)

24-749 *State v. McAlpin* (1) Whether a trial court must address a pending motion for leave to file a motion for new trial before issuing a decision on the separately-filed motion for new trial; (2) Whether the court of appeals erred in expanding the scope of the trial court's order to include dispositions of motions that were not addressed in the trial court's order. (Cuyahoga County)

24-1304 *State v. Heffley* Whether a person is ineligible to have their firearm rights restored by a trial court pursuant to R.C. 2923.14 because the person is "otherwise prohibited by law from acquiring, having, or using firearms" when the person has a federal firearms

disability pursuant to 18 U.S.C. 922(g). (State's appeal; Allen County)

23-1001 *State v. Fips* Whether an officer, when confronted with evidence of an unrelated crime during a reasonably valid traffic stop, is required to abandon that investigation if the officer later learns that the stop may have been premised on a reasonable mistake. (State's appeal; Cuyahoga County; held 10-24-23; briefing ordered 11-25-24)

### **Upcoming Oral Arguments**

23-1531 *In re P.M.S.* Whether a rape by force occurs when the only evidence of force is the physical exertion inherent in the sexual act itself. (Warren County) (Argument on 2-11-25)

24-108 *State v. Staffrey* Whether a prisoner serving a pre-Senate Bill 2 indefinite sentence can be granted judicial release under current R.C. 2929.20. (State's appeal; Mahoning County) (Argument on 2-12-25)

23-1614 *State v. Morris* (1) Whether the appellate court erred in rejecting *Montejo v. Louisiana*, 556 U.S. 778 (2009), for purposes of the Ohio Constitution by holding that a request for counsel at a first appearance amounts to an invocation of counsel and therefore cuts off the ability of police to initiate an interrogation of the defendant outside of court; (2) Whether the right to counsel attaches on the filing of a criminal complaint; (3) Whether the defendant unequivocally invoked the right to counsel when he asked during the interrogation "I can't see a lawyer?" (State's appeal; Hamilton County) (Argument on 2-12-25)

24-87 *State v. Coker* Whether there was sufficient evidence of vaginal penetration when the victim testified initially that the phrase "have sex" meant vaginal penetration and the victim thereafter testified by using the "have sex" phrase to describe the sexual conduct. (State's appeal; Wood County) (Argument on 2-13-25)

24-340 *Z.J. v. R.M.* Whether R.C. 2903.211(A)(1) requires a victim to actually experience mental distress or only believe that the stalker will cause the victim physical harm or mental distress in order for a court to issue a civil stalking protection order. (Certified-conflict appeal arising from Richland County) (Argument on 2-13-25)

23-772 *State v. Jones* Whether an appellate court abuses its discretion by denying leave to appeal the granting of a new trial in a 26-year-old capital case where the State complies with App.R. 5(C)'s requirements, timely sets forth errors for review, and shows it has evidentiary support for the claimed errors. (State's appeal; Hamilton County) (Argument on 2-13-25)

24-05 *State v. Clinkscale* In determining judicial-release eligibility, whether jail-time credit reduces the required waiting period "after the expiration of all mandatory prison terms" under R.C. 2929.20(C)(1)(a) – (d). (State's appeal; Franklin County) (Argument on 3-11-25)

24-164 *State v. Thompson* Whether the defendant's "hybrid" sentencing amounted to imposing ten years of community-control supervision, thereby exceeding the five-year limit for community control. (Franklin County) (Argument on 3-12-25)

24-265 *State v. T.W.C.* (1) Whether the entry of a financial sanction of restitution as a civil judgment under R.C. 2929.18 obviates the underlying criminal financial sanction, and, even if it does, whether the "final discharge" requirement for sealing in R.C. 2953.32 necessitates payment of restitution when ordered as a "civil judgment"; (2) Whether the law requires the payment of restitution in order to achieve a final discharge for purposes of R.C. 2953.32 even when a victim has not pursued civil collection remedies. (State's appeal; Franklin County) (Argument on 4-1-25)

24-458 *State v. Bostick* When evidence that the defendant was not the perpetrator of the crime is withheld from the defense and not discovered until after conviction, and when the exculpatory value of the evidence is dependent upon its credibility, whether a trial court must conduct an evidentiary hearing prior to ruling on a

motion for new trial prompted by that evidence. (Cuyahoga County) (Argument on 4-2-25)

24-401/539 *State v. Clark* (1) After the defendant's application for reopening has been granted, whether the appellate court must confirm its earlier judgment when the defendant in his briefing on reopening only addresses the legal issue that was omitted by appellate counsel and fails to address whether appellate counsel was ineffective in failing to present that issue, or whether it is presumed that such briefing raises a claim of appellate counsel ineffectiveness; (2) In the absence of briefing on appellate counsel ineffectiveness vis-à-vis the omitted legal issue, whether the appellate court should address the omitted legal issue as if it was being raised on an application for delayed reconsideration. (Medina County) (Argument on 4-22-25)

24-532 *State v. Crawl* Whether the offense of stalking was demonstrated under R.C. 2903.211(A)(1) when the defendant's posts to the victim's public social media platforms were non-threatening and the victim gave no indication that the victim thought the comments were offensive, unwanted, or threatening. (Montgomery County) (Argument on 4-23-25)

24-669 *State v. Balmert* (1) For purposes of the aggravated vehicular assault (AVA) charge, whether the State provided sufficient evidence that the defendant's OVI-metabolite violation was a proximate cause of the injuries; (2) After a bench trial, whether the trial court's acquittal of the defendant on the OVI-impaired count created a double jeopardy bar that should have prevented the appellate court from relying on evidence of impairment in upholding the guilty finding on the AVA charge. (Lorain County) (Argument on 4-23-25)

24-879 *In re A.C.* Whether the juvenile court erred by granting early release from ODYS commitment even though the juvenile had agreed as part of the counseled and enforceable plea agreement that he would never apply for early release and the court would never grant early release. (State's appeal; Hamilton County) (Argument on 4-23-25)

24-522 *State v. Reed* (1) Whether a pretrial motion to sever is properly denied when it only presents general assertions without a specific analysis of the facts; (2) Whether in-trial developments should be considered by an appellate court when it is reviewing the pretrial denial of a motion to sever; (3) Whether an appellate court must find that the trial court abused its discretion under both prongs of the severance test before it reverses the trial court's denial of the motion to sever; (4) Whether all judges sitting on the court of appeals must review and decide a request for en banc consideration. (State's appeal; Fairfield County) (Argument on 5-13-25)

24-540/541 *State v. Musarra* (1) Whether the non-element of venue is a proper basis for a mid-trial Crim.R. 29(A) "judgment of acquittal"; (2) Whether a purported "acquittal" based on venue under Crim.R. 29(A) constitutes a "final verdict" that bars the State from pursuing an appeal by leave under R.C. 2945.67(A). (State's appeal; Cuyahoga County) (Argument on 5-13-25)

24-474 *State v. Brown* Whether the evidence of venue in Henry County was insufficient on the corrupt-activity charge when the connection of the enterprise to the drug sales in Henry County was solely as a supplier of the drugs on credit to the offender who then took the drugs to Henry County and sold them there. (Henry County) (Argument on 5-14-25)

24-854 *State v. Roberts* Even if the court of appeals was correct in concluding that the evidence of the defendant's statements and other acts should have been excluded, whether the court of appeals failed to correctly apply the standard for harmless error. (State's appeal; Hamilton County) (Argument on 5-14-25)

**Keep an Eye Out for These Cases Awaiting Decision**

23-1318 & -1417 *State v. Logan* Whether R.C. 2929.13(F)(8) requires a mandatory prison term and precludes the imposition of community-control sanctions on an underlying felony when a defendant is found guilty on a corresponding firearm specification. (State's appeals; Cuyahoga County) (Argument on 1-7-25)



## ***Ohio Attorney General Opinions***

provided by the Ohio Attorney General's website at  
<https://www.ohioattorneygeneral.gov/Files/Legal/Opinions>

### **2024-007**

*Requested by: Lake County Prosecuting Attorney*

The protection afforded a crime victim by R.C. 2930.07 against disclosure of identifying information applies and attaches to case documents associated with criminal or delinquent cases but only in limited circumstances in civil matters. A clerk of court's duty to redact a victim's information from all records relating to a civil protection order is triggered only when the order is violated, but the redaction requirement for a violation of a protection order, an offense of violence, or a sexually oriented offense applies automatically when the matter is filed with the clerk of courts and without any request by the victim.

### **2024-006**

*Requested by: Madison County Prosecuting Attorney*

A county engineer lacks unilateral authority to permit broadband installations within the right-of-way along county roads. A board of county commissioners, however, may enter into agreements with private broadband providers to permit such installations, subject to the terms of easement deeds and competitive bidding requirements. A board of county commissioners and a county engineer may only charge a reasonable fee for actual administrative and inspection costs.

## **OPAA Training**

The **OPAA Annual Meeting** set a new record with 465 registrants from 85 counties, the Auditor of State, and the Attorney General's office. Thank you to all that helped make the training a success!

The award winners this year were:

Prosecuting of the Year:

Paul Dobson, Wood County

Leadership Award:

Kevin Talebi, Champaign County

Outstanding Assistant Prosecutor:

Clifford J. Murphy, Licking County

Meritorious Assistant Prosecutor:

Michael D. Donatini, Ashland County

Outstanding Staff Person:

Tammy Deck, Pickaway County

Outstanding Peace Officers:

Special Agent Andy Harasimchuk

Award winners continued...

Special Agent Andrew Burke

Special Agent Cristin McCaskill

Arthur Echols

David Shapiro

Special Agent John Sabol

Milestone for Justice Award:

Phillip A. Riegle, Hancock County

Mark J. Howdyshell, Morgan County

Joseph A. Flautt, Perry County

Martin P. Votel, Preble County

Recognition of Service to the OPAA:

Judy R. Wolford, Pickaway County

Victor V. Viglucci, Portage County

**Congratulations to all!**



OPAA Prosecutor of the Year – Wood County Prosecutor Paul Dobson (with Award Committee Chair Pickaway County Prosecutor Judy Wolford)

## OPAA New Prosecutor Training

As Director Tobin mentioned above, the OPAA New Prosecutor training was a great success. Thanks to all that attended and those that helped with the production!



Prosecutor Elliot Kolkovich (Summit County) speaking on PR and the prosecutor's office.



Auglaize County Prosecutor Ed Pierce talks about FOJ and other office funds.



Henry County Prosecutor Gwen Howe-Gebbers presented on making the transition from assistant prosecutor to elected prosecutor.

Additional pictures from all events can be viewed on our X account by clicking the icon.



## Your 2025 OPAA Officers



Keller J. Blackburn  
Athens County  
President



David P. Fornshell  
Warren County  
President-Elect



Gwen Howe-Gebers  
Henry County  
Vice President



Steven D. Barnett  
Carroll County  
Treasurer



Christopher R. Tunnell  
Ashland County  
Secretary

### **2025 OPAA Executive and Legislative Committee Meeting Dates**

February – Thursday, February 20 - Athletic Club of Columbus  
 March – Thursday, March 20  
 April – Wednesday, April 16 – Hilton Polaris (Spring Training)  
 May – Thursday, May 22  
 June – Thursday, June 19 – Cedar Point (Summer Workshop)  
 July – No Meeting  
 August – Thursday, August 21  
 September – Wednesday, September 17 – Crowne Plaza Cleveland (Fall Training)  
 October – Thursday, October 23  
 November – No Meeting  
 December – Wednesday, December 3 – Hilton Easton (Annual Meeting)



We welcome Ashland County Prosecutor Chris Tunnell to the Secretary position of the OPAA officers and start to his journey to OPAA President. As Secretary, he will be responsible for all meeting minutes and will perform the duties of the Secretary as may be required by the President or the Executive Committee.

Chris spent his early years engaged in private practice of law in Bedford Heights and later, Medina, Ohio. His focus was on domestic relations and criminal law. From 2001 to 2005, he was an assistant prosecuting attorney in the Ashland County Prosecutor's Office. There, his responsibilities included felony criminal prosecution; representation of the county children services department in child abuse, neglect, and dependency actions; prosecution of major felony juvenile delinquency cases; and coordination of township junkyard eradication. In 2005, Chris joined the Richland County Prosecutor's Office. After being promoted to a supervisory position within the criminal division in 2008, he continued to serve until 2014 when he became the Ashland County Prosecuting Attorney. While with Richland County, Chris had primary responsibility for coordinating all felony criminal prosecutions before one of two Common Pleas Judges. Chris has extensive jury trial experience which has included multiple homicides, major sex crimes including child victims, RICO, and other complex criminal cases. Chris has also served as a Special Assistant United States Attorney for the Northern District of Ohio.

Chris has served on the Ohio Prosecuting Attorney's Association Executive and Legislative Committees since 2017, as well as teaching at the annual OPAA Boot Camp and other OPAA trainings. Chris is a former chairman of the Ashland County Republican Party Executive Committee, a precinct chairman for the Ashland County Republican Party Central Committee, a Past Exalted Ruler at Elks Lodge #1360, a member of the Ashland Noon Lions, and an associate member of the Ashland County Township

Association. He is a member of the Ashland County Historical Society, the Sons of the American Legion, and Ashland Eagles Aerie #2178. An avid outdoorsman, he is a member of the Ashland County Wildlife Conservation League, the Friends of the Ashland County Park District, a Life Member of the National Rifle Association, Pheasants Forever, Ducks Unlimited, Delta Waterfowl, Trout

Unlimited, and the National Wild Turkey Federation. Chris is also a certified competition BBQ judge for the Kansas City Barbeque Society and a parishioner of St. Edward's Catholic Church. Chris is a past member of the Ashland County Board of Elections and a past member of Richland County's Community Action for Capable Youth executive board and past chairman of the Ashland Historic Preservation Board.

Chris is a graduate of Hudson High School in Hudson, Ohio, of West Virginia University (B.A., History) in Morgantown, West Virginia, and of Case Western Reserve University School of Law (J.D.) in Cleveland, Ohio. Chris is admitted to practice in the State of Ohio, the United States District Court for the Northern District of Ohio, the United States District Court for the Southern District of Ohio and the United States Court of Appeals for the Sixth Circuit.

Chris lives in Ashland, Ohio, with his wife Sandra, Executive Director of Ashland Main Street and former two term Ashland City Council person, and their daughter Madeline. Chris and Sandra are the 1991 Akron District Champions in two-person cross examination debate.

**More Pictures from the New Prosecutor Training**



Fayette County Prosecutor Jess Weade and Carroll County Prosecutor Steve Barnett joined us to talk about representing county elected officials, boards, commissions, et al.



Delaware County Prosecutor and OPAA ethics and Training Committee Chair Melissa Schffel introduces Jefferson County Prosecutor and OPAA Past President Jane Hanlin along with Warren County Prosecutor and current OPAA President-Elect David Fornshell for their presentation on the Shield and the Sword of the criminal justice system.



Ben Albrecht from Fishel, Downey, Albrecht & Riepenhoff LLC finishes up our 2025 New Prosecutor training with a presentation on public records law.

