



THE OHIO PROSECUTOR

April 2020

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From your President...



Juergen A. Waldick
Allen County

My Fellow Prosecutors,

It would have been hard to imagine even four months ago that not just our world, but literally the entire world would be brought to its knees by the tiniest of things, COVID-19. On FaceBook I saw a clip of what advice “current me” would give “January me”. The clip covered things like get all your investments out of the stock market now, stock up on toilet paper, hand sanitizer, make sure you have a good internet connection at home, get a haircut and don’t worry about making travel plans... The clip, while humorous, does not even begin to encompass all the changes we have made to every phase of our personal and professional lives. However, we have risen to the challenge in our personal and professional lives, which for many have become co-located. Zoom is something we do sitting still, and we wear a mask to go to the bank.

All of us are being bombarded with motions for judicial release, commutation requests and just about any other kind of motion under the sun to let people out of prison or jail. What SB 2, HB 86 and TCAP could not do, the “Rona” is accomplishing—decreasing the prison population.

During this time of crisis, it is for us to stand fast, be the voice of reason and to lead our communities to a “new normal”. The changes to proceedings in court and with each other will undoubtedly be here to stay - at least in part. As the voice of Ohio’s prosecutors, the OPAA will make sure that we are represented in the decision-making process of the policy and procedure changes to come. We want to be at the forefront of that decision making.

Finally, everyone is facing the reality of budget cuts and staff reduction as the economic effects come to bear on our counties. The OPAA is on solid financial footing because of the great leadership of the past. We are able to weather the storm and still provide the level of service you, the membership, are accustomed to. We are providing online CLE at no cost to our members and working on webinars to take the place of the usual training sessions. Hopefully we will be able to return to near normal by the end of the year.

Stay healthy and may God bless you!

Juergen

From your Executive Director...



Louis Tobin
OPAA Executive
Director

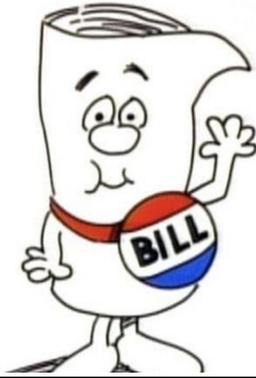
OPAA –

Amidst the wreckage that the coronavirus has wrought is a lot of innovation. Innovation is most apparent in the medical and business communities where the search for testing, treatment, and a vaccine is urgent. But innovation in the legal community has resulted as well. Courts across the state, from the Supreme Court of Ohio on down, have embraced technology as a means of continuing operations. The Supreme Court held its first ever oral arguments over Zoom in early April. Other courts across the state have quickly implemented processes for remote hearings. One of our members is even conducting grand jury remotely by Zoom, subject of course to a variety of safeguards. And the OPAA Executive Committee met by Zoom on April 22.

One of the many unfortunate side effects of the epidemic is an inability to hold in-person meetings and trainings. We have had to cancel both our Spring Training and now our Summer Workshop, some very disruptive decisions for members who are seeking relevant CLE. Again, technology has come at least partially to the rescue. Steve Hall has been hard at work organizing a series of webinars that we will offer live and for recorded self-study at no cost to our members through at least the end of this year. We have several on offer already and others in the queue. Steve has created a dedicated webpage for these that can be accessed easily from our homepage at www.ohiopa.org. We owe a great deal of thanks to the presenters who have volunteered their time and effort to do these for us. If you have an idea for a webinar that you would like to do or even just a topic that you would like to see someone cover, please let us know. We are searching for presenters and hot topics.

Hope everyone is well and look forward to seeing you soon.

Lou



At the Statehouse

Below is a current list of priority legislation along with the OPAA's position. Of note this quarter are the introduction of **House Bill 552** (Juvenile Life Sentences), which is a companion bill to Senate Bill 256, **House Bill 604** (Criminal Record Sealing), **House Bill 610** (Crime Victim Rights), and **Senate Bill 278** (Presumptive Parole). In addition, **House Bill 277** (Custodial Interrogation Recording) was voted out of the House and now goes to the Senate.

HB1 INTERVENTION IN LIEU OF CONVICTION (PLUMMER P, HICKS-HUDSON P) To modify the requirements for intervention in lieu of conviction and for sealing records of conviction.

Current Status: 1/29/2020 - Senate Judiciary, (Third Hearing)

Position: Support

State Bill Page:

<https://www.legislature.ohio.gov/legislation/legislation-summary?id=GA133-HB-1>

HB3 AISHA'S LAW - DOMESTIC VIOLENCE (BOYD J, CARRUTHERS S) To add domestic violence circumstances to the offenses of aggravated murder and endangering children, to establish local domestic violence high risk teams, and to require law enforcement officers to utilize a qualified lethality assessment screening tool to refer high risk victims to a local team.

Current Status: 2/26/2020 - BILL AMENDED, House Criminal Justice, (Fifth Hearing)

Position: Amend

State Bill Page:

<https://www.legislature.ohio.gov/legislation/legislation-summary?id=GA133-HB-3>

HB5 PUBLIC DEFENDER LOAN REPAYMENT (HILLYER B, LELAND D) To establish the Ohio Public Defender State Loan Repayment Program.

Current Status: 1/21/2020 - Senate Finance, (Fifth Hearing)

Position: Amend

State Bill Page:

<https://www.legislature.ohio.gov/legislation/legislation-summary?id=GA133-HB-5>

HB136 DEATH PENALTY-MENTALLY ILL (HILLYER B) To prohibit imposing the death penalty for aggravated murder when the offender had a serious mental illness at the time of the offense.

Current Status: 12/17/2019 - BILL AMENDED, Senate Judiciary, (Fifth Hearing)

Position: Oppose

State Bill Page:

<https://www.legislature.ohio.gov/legislation/legislation-summary?id=GA133-HB-136>

HB178 CONCEALED WEAPONS REFORM (HOOD R) To modify the Weapons Law by renaming a concealed handgun license as a concealed weapons license, allowing a concealed weapons licensee to carry concealed all deadly weapons not otherwise prohibited by law, repealing a notice requirement applicable to licensees stopped for a law enforcement purpose, authorizing expungement of convictions of a violation of that requirement, and allowing a person age 21 or older and not prohibited by federal law from firearm possession to carry a concealed deadly weapon without needing a license subject to the same carrying laws as a licensee.

Current Status: 2/13/2020 - House Criminal Justice, (First Hearing)

Position: Amend

State Bill Page:

<https://www.legislature.ohio.gov/legislation/legislation-summary?id=GA133-HB-178>

HB215 REAGAN TOKES-REENTRY (BOGGS K, CARFAGNA R) To modify the Corrections Law regarding a Department of Rehabilitation and Correction reentry program for certain offenders, maximum workload and caseload standards for parole and field officers, GPS monitoring of offenders released from prison, and entry into LEADS of specified information about GPS-monitored offenders, and to require the Ohio Criminal Sentencing Commission to appoint an Offender Supervision Study Committee.

Current Status: 2/26/2020 - BILL AMENDED, House Criminal Justice, (Fourth Hearing)

Position: Support

State Bill Page:

<https://www.legislature.ohio.gov/legislation/legislation-summary?id=GA133-HB-215>

HB277 ELECTRONIC RECORDING - CUSTODIAL INTERROGATIONS (PLUMMER P, WEST T) To revise the law governing the electronic recording of custodial interrogations.

Current Status: 2/20/2020 - PASSED BY HOUSE; Vote 92-0

Position: Oppose

State Bill Page:

<https://www.legislature.ohio.gov/legislation/legislation-summary?id=GA133-HB-277>

<p>HB311 COUNTY INSPECTOR GENERAL (GREENSPAN D) To authorize counties to request and obtain a county inspector general to investigate wrongful acts or omissions in county and other political subdivision government. Current Status: 2/26/2020 - SUBSTITUTE BILL ACCEPTED, House State and Local Government, (First Hearing) Position: Oppose State Bill Page: https://www.legislature.ohio.gov/legislation/legislation-summary?id=GA133-HB-311</p> <p>HB337 CHILD ADVOCATES-COMMUNICATION (STEIN D, GALONSKI T) To provide generally a privilege for communications between a qualified advocate rendering advocacy services and a victim of certain crimes, to exempt the nondisclosure of that privileged communication from the offense of failure to report a crime, and to generally require a qualified advocate to report child abuse or neglect of the victim. Current Status: 2/20/2020 - House Criminal Justice, (First Hearing) Position: Oppose State Bill Page: https://www.legislature.ohio.gov/legislation/legislation-summary?id=GA133-HB-337</p> <p>HB354 WEAPONS DISABILITY DATA PORTAL (PLUMMER P, SWEARINGEN D) To require the juvenile court to expunge all records sealed pursuant to the juvenile sealing law upon the person's twenty-eighth birthday, to expand the circumstances under which a person has a weapon under disability, to specify that moderate or severe substance use disorder is a mental illness for purposes of the law governing civil commitments, to require the Director of Public Safety to create and maintain the weapons disability data portal, to impose certain consequences on specified entities that fail to comply with data submission requirements, and to make an appropriation. Current Status: 10/16/2019 - House Finance, (Fifth Hearing) Position: Monitor State Bill Page: https://www.legislature.ohio.gov/legislation/legislation-summary?id=GA133-HB-354</p> <p>HB368 COMPUTER CRIMES (BALDRIDGE B) To enact the Ohio Computer Crimes Act. Current Status: 2/20/2020 - REPORTED OUT, House Criminal Justice, (Fifth Hearing) Position: Support State Bill Page: https://www.legislature.ohio.gov/legislation/legislation-summary?id=GA133-HB-368</p> <p>HB381 STAND YOUR GROUND (KELLER C, HOOD R) To enact the Ohio Stand Your Ground Act to modify the law regarding self-defense. Current Status: 2/26/2020 - House Criminal Justice, (Second Hearing)</p>	<p>Position: Oppose State Bill Page: https://www.legislature.ohio.gov/legislation/legislation-summary?id=GA133-HB-381</p> <p>HB403 SENTENCING REQUIREMENTS - TRANSITIONAL CONTROL (HILLYER B, GALONSKI T) To eliminate the requirement that a sentencing court must assent to the transfer of a prisoner to a transitional control program. Current Status: 11/18/2019 - Referred to Committee House Criminal Justice Position: Oppose State Bill Page: https://www.legislature.ohio.gov/legislation/legislation-summary?id=GA133-HB-403</p> <p>HB415 PROHIBITION OF PROSTITUTION PROCEEDS (POWELL J) To prohibit a person from receiving proceeds of prostitution. Current Status: 2/13/2020 - House Criminal Justice, (Second Hearing) Position: Monitor State Bill Page: https://www.legislature.ohio.gov/legislation/legislation-summary?id=GA133-HB-415</p> <p>HB431 SEXUAL EXPLOITATION DATABASE (ABRAMS C, CARFAGNA R) To create the Sexual Exploitation Database and to make an appropriation. Current Status: 2/26/2020 - House Criminal Justice, (Third Hearing) Position: Monitor State Bill Page: https://www.legislature.ohio.gov/legislation/legislation-summary?id=GA133-HB-431</p> <p>HB552 LIFE SENTENCES - MINORS (GALONSKI T, MANNING D) Regarding a bar against a sentence of life without parole, and special parole dates, for offenders who committed the offense when under age 18. Current Status: 3/12/2020 - Introduced Position: Oppose State Bill Page: https://www.legislature.ohio.gov/legislation/legislation-summary?id=GA133-HB-552</p> <p>HB604 CRIMINAL RECORDS SEALING LAW (ROGERS J) Regarding the Criminal Records Sealing Law. Current Status: 4/10/2020 - Introduced Position: Oppose State Bill Page: https://www.legislature.ohio.gov/legislation/legislation-summary?id=GA133-HB-604</p>
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<p>HB610 CRIME VICTIM RIGHTS (CUPP B) To make changes relative to the rights of crime victims. Current Status: 4/16/2020 - Introduced Position: Amend State Bill Page: https://www.legislature.ohio.gov/legislation/legislation-summary?id=GA133-HB-610</p> <p>SB3 DRUG SENTENCING REFORM (EKLUND J, O'BRIEN S) To modify the controlled substance possession and trafficking prohibitions and penalties and the drug and alcohol abuse civil commitment mechanism. Current Status: 12/17/2019 - BILL AMENDED, Senate Judiciary, (Tenth Hearing) Position: Oppose State Bill Page: https://www.legislature.ohio.gov/legislation/legislation-summary?id=GA133-SB-3</p> <p>SB13 HUMAN TRAFFICKING-JUVENILES (FEDOR T) To require a juvenile court to hold a delinquency complaint in abeyance in certain cases related to prostitution or human trafficking and to provide that the same elements for the offense of trafficking in persons that apply to a victim under the age of sixteen also apply to a victim who is age sixteen or seventeen. Current Status: 2/13/2020 - House Criminal Justice, (Second Hearing) Position: Support State Bill Page: https://www.legislature.ohio.gov/legislation/legislation-summary?id=GA133-SB-13</p> <p>SB28 PROTECTION ORDER VIOLATION PENALTIES (HOTTINGER J) To increase the penalty that applies to the offense of violating a protection order under certain circumstances. Current Status: 1/30/2020 - House Criminal Justice, (Second Hearing) Position: Support State Bill Page: https://www.legislature.ohio.gov/legislation/legislation-summary?id=GA133-SB-28</p> <p>SB48 SPEEDY TRIAL RULES (EKLUND J) To narrow the scope of speedy trial rules. Current Status: 5/16/2019 - House Criminal Justice, (Third Hearing) Position: Support State Bill Page: https://www.legislature.ohio.gov/legislation/legislation-summary?id=GA133-SB-48</p> <p>SB54 PROHIBIT DEATH PENALTY-MENTAL ILLNESS (EKLUND J, WILLIAMS S) To prohibit imposing the death penalty for aggravated murder when the offender had a serious mental illness at the time of the offense.</p>	<p>Current Status: 7/17/2019 - SUBSTITUTE BILL ACCEPTED, Senate Judiciary, (Third Hearing) Position: Oppose State Bill Page: https://www.legislature.ohio.gov/legislation/legislation-summary?id=GA133-SB-54</p> <p>SB55 ENHANCE PENALTIES-DRUG TRAFFICKING (GAVARONE T) To enhance penalties for certain drug trafficking offenses committed in the vicinity of a community addiction services provider and to name the act's provisions the "Relapse Reduction Act." Current Status: 10/31/2019 - REPORTED OUT, House Criminal Justice, (Fourth Hearing) Position: Support State Bill Page: https://www.legislature.ohio.gov/legislation/legislation-summary?id=GA133-SB-55</p> <p>SB133 MANAGEMENT OF RELEASED OFFENDERS (O'BRIEN S) To modify the Corrections Law regarding a Department of Rehabilitation and Correction reentry program for certain offenders, maximum workload and caseload standards for parole and field officers, GPS monitoring of offenders released from prison, and entry into LEADS of specified information about GPS-monitored offenders, and to require the Ohio Criminal Sentencing Commission to appoint an Offender Supervision Study Committee. Current Status: 11/13/2019 - Senate Judiciary, (Fourth Hearing) Position: Support State Bill Page: https://www.legislature.ohio.gov/legislation/legislation-summary?id=GA133-SB-133</p> <p>SB146 DOMESTIC VIOLENCE-CHOKING (KUNZE S, ANTONIO N) To expand the offense of domestic violence to also prohibit a person from knowingly impeding the normal breathing or circulation of the blood of a family or household member by applying pressure to the family or household member's throat or neck or blocking the family or household member's nose or mouth. Current Status: 10/2/2019 - Senate Judiciary, (Third Hearing) Position: Support State Bill Page: https://www.legislature.ohio.gov/legislation/legislation-summary?id=GA133-SB-146</p> <p>SB160 RECORDS EXPUNGEMENT (O'BRIEN S, RULLI M) To provide a mechanism for the expungement of records of most convictions that, depending on the category of the offense, are at least 10 years old, 15 years old, or 20 years old, and to eliminate the waiting period for sealing a record related to a no bill. Current Status: 9/25/2019 - Senate Judiciary, (Second Hearing) Position: Oppose State Bill Page: https://www.legislature.ohio.gov/legislation/legislation-summary?id=GA133-SB-160</p>
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SB179 REQUIRE TWO LICENSE PLATES (UECKER J, HOTTINGER J) To retain and continue current law requiring the display of two license plates for most motor vehicles.
Current Status: 12/11/2019 - Senate Transportation, Commerce and Workforce, (First Hearing)
Position: Support
State Bill Page:
<https://www.legislature.ohio.gov/legislation/legislation-summary?id=GA133-SB-179>

SB196 TESTIMONIAL PRIVILEGE-SEX CRIMES (EKLUND J) To provide generally a testimonial privilege for communications between a qualified advocate rendering advocacy services and a victim of domestic violence, human trafficking, menacing by stalking, or sexual violence, to exempt the nondisclosure of that privileged communication from the offense of failure to report a crime, to require a qualified advocate to report knowledge or reasonable suspicion of child abuse or neglect of the victim except for privileged communications, and to specify circumstances in which the victim is considered to have waived the privilege.
Current Status: 11/6/2019 - Senate Judiciary, (Second Hearing)
Position: Oppose
State Bill Page:
<https://www.legislature.ohio.gov/legislation/legislation-summary?id=GA133-SB-196>

SB205 ANIMAL CRUELTY (HOTTINGER J, O'BRIEN S) To increase the penalties for serious acts of cruelty towards or the killing of a companion animal.
Current Status: 2/26/2020 - Senate Judiciary, (Third Hearing)
Position: Oppose
State Bill Page:
<https://www.legislature.ohio.gov/legislation/legislation-summary?id=GA133-SB-205>

SB221 FIREARMS REGULATIONS (DOLAN M) To provide for the issuance in specified circumstances of a Safety Protection Order to apply regarding a person who a court determines is under a drug dependency, chronic alcoholic, or mental health-related firearms disability; to specify LEADS and NCIC reporting and removal procedures for current types of protection orders; to require the submission to the Attorney General for inclusion in LEADS of findings of IST or NGRI; to modify some of the prohibitions under the offense of "unlawful transactions in weapons" and add new prohibitions and exemptions under the offense, including a new exemption if a state background check mechanism the bill enacts is used and does not indicate that the prospective transferee is barred from firearms possession; to provide in specified circumstances for the issuance of a seller's protection certificate under the new state background check mechanism; to increase the penalty for certain firearms-related offenses in specified circumstances; to modify the law governing the entry of arrest warrants into LEADS as extradition warrants; to expand the law regarding the provision of drug and alcohol test results to law enforcement personnel; and to provide a new

exception to the testimonial privilege for specified medical and dental personnel regarding certain probate court proceedings.
Current Status: 12/3/2019 - Senate Government Oversight and Reform, (Third Hearing)
Position: Monitor
State Bill Page:
<https://www.legislature.ohio.gov/legislation/legislation-summary?id=GA133-SB-221>

SB237 SELF-DEFENSE (JOHNSON T) To enact the Ohio Duty to Retreat Act to modify the law regarding self-defense.
Current Status: 1/21/2020 - Senate Government Oversight and Reform, (Fourth Hearing)
Position: Oppose
State Bill Page:
<https://www.legislature.ohio.gov/legislation/legislation-summary?id=GA133-SB-237>

SB239 PROHIBIT SEXTING (MANNING N) To generally prohibit sexting by a person under 19 years of age.
Current Status: 2/5/2020 - Senate Judiciary, (Second Hearing)
Position: Amend
State Bill Page:
<https://www.legislature.ohio.gov/legislation/legislation-summary?id=GA133-SB-239>

SB247 PROHIBIT PROSTITUTION (SCHAFFER T, FEDOR T) To prohibit a person from engaging in prostitution and receiving proceeds of prostitution, to modify certain soliciting offenses and penalties, to create the Sexual Exploitation Public Database, and to make an appropriation.
Current Status: 2/19/2020 - Senate Judiciary, (Second Hearing)
Position: Amend
State Bill Page:
<https://www.legislature.ohio.gov/legislation/legislation-summary?id=GA133-SB-247>

SB256 BAR LIFE SENTENCE-UNDER 18 (MANNING N, LEHNER P) Regarding a bar against a sentence of life without parole, and special parole dates, for offenders who committed the offense when under age 18, and to amend the version of section 2907.02 of the Revised Code that takes effect on March 22, 2020, to continue the provisions of this act on and after that date.
Current Status: 2/19/2020 - Senate Judiciary, (Second Hearing)
Position: Oppose
State Bill Page:
<https://www.legislature.ohio.gov/legislation/legislation-summary?id=GA133-SB-256>

SB278 PAROLE PROCEDURES (EKLUND J, LEHNER P) To modify parole procedures regarding prisoner access to information and materials, presence of counsel, uniform standards, and appeals of decisions.
Current Status: 2/12/2020 - Introduced
Position: Oppose
State Bill Page:
<https://www.legislature.ohio.gov/legislation/legislation-summary?id=GA133-SB-278>

For a full list of bills that we are tracking, visit <http://www.ohioopa.org/legislation1.html> If you have any questions about the work of the legislature or the status of any legislation let us know! Bill information provided by Hannah News Service, Inc.

Join us at the Statehouse!

Whether you are in town to testify or just spending time away from your county, let us show you around the Statehouse. Call Lou or Steve at the office and we'll work out the details.



Membership Services

Community Outreach

Lucas County Prosecutor's Office Criminal Justice Videos

Lucas County Prosecutor Julia Bates was recently sitting in the waiting room of a doctor's office and was drawn to a video playing on nearby monitors.



The video provided patients with important information about what to expect during their appointments and caused Prosecutor Bates to have a lightbulb moment. Thinking of the waiting room in her Victim-Witness Assistance Program's office, she wondered if it would be beneficial to have videos about victim services and the criminal justice process play on the television.

The Lucas County Prosecutor's Office is always looking for additional ways to serve the community, and victims of crime. Her goal is to inform victims of their rights as well as educate them about social services available in the community. The first installment, filmed in November 2019, provides an overview of the criminal justice system and informs victims of their roles in the

process. The videos, produced by Avalanche Run Pictures of Cleveland, Ohio, will play on a loop for victims in the waiting room when they are present for Grand Jury. They will also be available on the office's website and social media. Being sensitive to the fact that victims process trauma differently, Prosecutor Bates is hopeful that these additional resources will allow them the opportunity to better understand not only the criminal justice system, but also what help is available as they begin the healing process. Advocates in her



office are trained to provide detailed information, and some victims need to hear things several times before reaching a full understanding. Because of the accessibility of the videos, victims will be able to watch them as many

times as they need in the comfort of their own safe space.

More videos are currently in the works. "Hopefully we will do a few more with specificity on topics like domestic violence, child abuse, sexual assault and the like...all the participants are employees, and employee family members - no real-life victims!" according to Prosecutor Bates.

Eventually, the Lucas County Prosecutor's Office will expand their video library to include more detailed information for victims and training videos for assistant prosecutors. Currently the office is working on videos for

services for victims available within the office and external resources. All of the videos will be available at:

<https://youtu.be/17x6V8r8Nz0>



Thank you to Lucas County for providing this information. If your county would like a community outreach program featured please email the information to Steve or Lou.

Amicus Committee

The OPAA Amicus Committee considers requests from members to submit Amicus Briefs on behalf of the Association and seeks volunteers to write the brief should the request be granted. Here are recent decisions and other action on cases the Association has weighed in on:

Cases Decided

Columbus Bituminous Concrete Corp., et al. v. Harrison Township Board of Zoning Appeals, O.S.C. No. 2018-1008 (See Opinion 2020-Ohio-845)

Amicus Support Requested By: Judy Wolford, Pickaway County Prosecutor.

Proposition of Law: A township's jurisdiction to regulate surface mining activities permitted and regulated under Chapter 1513. or 1514. through zoning is strictly limited to matters of public health or safety, whether mining is a permitted use or conditional use under the township zoning resolution. R.C. 519.02. A township may not regulate mining in the interest of general welfare, directly or indirectly through the creation of general zoning criteria that appl[y] to all permitted or conditionally permitted uses in the township, including mining. R.C. 519.02, 519.14, and 519.141.

Held: The Court of Appeals erred by holding that compliance with the General Standards is required irrespective of whether such compliance is in the interest of public health and safety and by holding that the absence of such compliance provides a basis for denying CBCC's application. Reversed and remanded to the Harrison Township Board of Zoning Appeals.

Amicus Brief Volunteer: David P. Fornshell, Warren County Prosecutor, Kathryn M. Horvath, Assistant Prosecuting Attorney and Adam M. Nice, Assistant Prosecuting Attorney.

David Ayers v. City of Cleveland, et al., O.S.C. No. 2018-0852 (See Opinion 2020-Ohio-1047)

Amicus Support Requested By: Ronald J. O'Brien, Franklin County Prosecutor.

Proposition of Law: Revised Code section 2744.07(A)(2) reflects the legislature's intent to permit a judgment creditor to proceed directly against an indemnitor.

Held: The right to indemnification set forth in R.C. 2744.07(A)(2) may be asserted only by an employee of a political subdivision as specifically set forth in that statute. A judgment creditor may not proceed directly against a political subdivision under that statutory provision. Judgment of the court of appeals affirmed.

Amicus Brief Volunteer: Ronald J. O'Brien, Prosecuting Attorney, Franklin County, Nick A. Soulas, Jr., First Assistant Prosecuting Attorney & Chief Counsel, Civil Division, Franklin County Prosecutor's Office.

Recently Argued

State of Ohio v. John E. Nelson, O.S.C. 2019-0049

Amicus Support Requested By: Kevin Talebi, Champaign County Prosecutor

Proposition of Law: Appellant, Nelson, argues that the caps on community-control-violations prison sentences for underlying, qualified fourth and fifth-degree felonies apply to all community control violations prison sentences for underlying, qualified fourth

and fifth-degree felonies apply to all community control violations that are based upon conduct that does not constitute a felony-level crime. R.C. 2929.15 (B)(1)(c)(i) and (ii).

Status: Oral argument held 1/28/20.

Amicus Brief Volunteer: Paul A. Dobson, Wood County Prosecutor, David T. Harold, Assistant Prosecuting Attorney. control violations that are based upon conduct that does not constitute a felony-level crime. R.C. 2929.15 (B)(1)(c)(i) and (ii).

Summers v. Fox, O.S.C. 2018-0959 (Original Action for Writ of Mandamus)

Amicus Support Requested By: Matt Fox, Mercer County Prosecutor

Proposition of Law: Relator, Charles A. Summers, is the father of Christopher A. Summers who pled guilty in Mercer County to eight counts of sexual battery that arose out of a 26-month sexual relationship with a student. Relator submitted a public records request for records related to the arrest and investigation of his son. The records request was denied based on Relator's failure to follow the statutory procedure, his acting as his son's designee, and assertions of work product. The Ohio Public Records Act's "trial preparation records" exception and the exception for records the release of which is prohibited by state or federal law — R.C. 149.43(A)(1)(g) and R.C. 149.43(A)(1)(v), respectively — collectively operate to exempt the records Relator seeks from being released.

Status: Oral argument held 4/8/2020.

Amicus Brief Volunteer: Sherri Bevan Walsh, Summit County Prosecutor, Jacquenette S. Corgan, Assistant Prosecuting Attorney.

New and Noteworthy

OPAA SUMMER WORKSHOP CANCELLED

Regrettably, we have made the decision to cancel our Summer Workshop at Cedar Point due to COVID-19. After talking to Cedar Point about this, it is likely that our hand would have been forced anyway. Cedar Point is unsure if/when they will be able to open this season. We are currently exploring ways to offer the entire educational portion of the conference online and will let you know soon if we are able to do that. In the meantime, we continue to offer free member webinars. These can be viewed live or recorded. Please note the 12-hour limitation on recorded self-study. Our current webinar offerings can be found here:

<http://www.ohiopa.org/members.html> . We apologize for the inconvenience. We are continuing to work to find ways to offer training for you and your staff. Please stay tuned.

Webinars

We will continue to provide no cost webinars to the membership through this crisis and beyond keep the membership current on their CLE. Please see the current list at

<http://ohiopa.org/members.html> If you would like to suggest a topic or even present a topic, please let us know!

Ohio Attorney General Opinions

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

2020-002 Requested by: Medina County Prosecuting Attorney
Courts may suspend jury trials to prevent the spread of the novel coronavirus, and they may do so consistent with state and federal speedy-trial obligations.

2020-001 Requested by: Licking County Prosecuting Attorney
County auditor's unclassified real estate appraiser may not serve simultaneously as a board of zoning appeals member if he/she is not able to abstain from appraising certain property within the county.

At the Office



New HVAC in the works

The original cooling tower we have been patching over the past 20 plus years finally decided to give up the ghost. Mid-Ohio Heating and Cooling has been mapping the building for our new system.

Otherwise, not much happening in downtown Columbus, let alone at OPAA Corporate. We *are* managing to keep the plants alive.



OPAA Training

Plan to join us for our 2020 trainings!
More information including dates will be sent as available.

~~Summer Workshop~~ **CANCELLED**
~~June 26 and 27, 2020~~
~~Breakers Hotel Cedar Point~~

Fall Training
September 17th and 18th, 2020
Cleveland Crowne Plaza on Playhouse Square

Administrative Professionals Training
October 22, 2020
Sheraton at Capitol Square

Annual Meeting
December 10 and 11, 2020
Hilton Columbus Easton

As mentioned throughout this newsletter, the OPAA will continue to provide our recorded “self-study” presentations, as well as “live view” webinars throughout 2020. These CLE approved trainings will feature a variety of topics relevant to county prosecutors. We will send out details prior to each.

OPAA App

We continue to upgrade the OPAA app. While the app offers similar content to the OPAA website, there are a few key added benefits:

- Push notifications
- Contacts integration
- OPAA Alerts



We are hoping to tweak a few design codes so Apple will approve us for inclusion in their “App Store.” In the meantime, iOS users can contact steve@ohiopa.org to get download instructions. Android users can simply download the app via the Google Play store. Search “OPAA mobile.” We hope you will find the OPAA app useful. Please share this information with everyone in your office. We encourage all feedback.

What is that OPAA Committee??

Membership, Outreach, and Planning Committee

Co-Chaired by Sherri L. Bevan Walsh, Summit County and Gwen Howe-Gebers, Henry County, the Membership, Outreach, and Planning Committee studies ways to provide more information to members on issues faced by the Association, to create resources for use by prosecutors throughout the state, to promote prosecutors in the public eye and encourage networking with other Associations and entities with common interests, and to develop a long term mission and vision for the Association.

Investigator's Liaison Committee

Chaired by David Fornshell, Warren County, the Investigator's Committee works closely with the OPAA's Investigators Association (OPAIA) in providing and encouraging networking, training opportunities, resources, and best practices.

Victim/Witness Committee

Chaired by Lucas County Prosecutor Julia Bates, the Victim/Witness Committee looks for training opportunities for prosecutor's victim/witness staff, analyzes opportunities for victim/witness advocates to train at OPAA trainings and looks for ways for OPAA to network with victim advocacy associations both at the state and national level.



Your 2020 OPAA Officers



Juergen A. Waldick
Allen County
President



Daniel R. Lutz
Wayne County
President-Elect



Michael C. O'Malley
Cuyahoga County
Vice President



Jane Hanlin
Jefferson County
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Kevin S. Talebi
Champaign County
Secretary