



# **SHERRI BEVAN WALSH**

## **Summit County Prosecutor**

### **Newsletter**

#### **May 2008**

53 University Avenue  
6th Floor  
Akron, OH 44308  
Phone: 330-643-2800  
Fax: 330-643-8277

## **Message from the Prosecutor**



**Prosecutor**  
**Sherri Bevan Walsh**

Ohio Highway Patrol officers arrested 650 drunk drivers over Memorial Day weekend. Over that holiday weekend, there were 555 alcohol-related crashes and six fatalities. As alarming as those statistics are, that is the *lowest* number of fatalities for Memorial Day in almost forty years.

While it's encouraging that the numbers are going down, six deaths is six too many. That's why I have made the tough prosecution of drunk drivers a priority in my Of-

fice.

Earlier this month, I testified before the Ohio House of Representatives regarding Senate Bill 17, legislation that will strengthen DUI laws in the state of Ohio. I am focused on the bill's provisions that make BAC tests mandatory for chronic DUI offenders who have two or more DUI convictions in six years.

Encountering drunk drivers on the road is a frightening experience for motorists. Anyone who has witnessed the erratic driving and misjudgment of a drunk driver can tell you how nervous and worried it can make you.

For law enforcement officers, encountering drunk drivers poses the same risk but also significant challenges in their investigation and arrest of the individual. As the law is written now, individuals can refuse to submit to BAC testing when they're arrested for DUI. Their refusal results in their driver's license being administratively suspended for one year. That means nothing to most drunk drivers. After all, if they're willing to disregard the law and the safety of every innocent person they come into contact with, it's not likely that they care much about the requirement that they have a valid driver's license.

In the last three years, we prosecuted more than 100 drunk drivers who had five or more DUI convictions. About HALF of them had suspended licenses. Eighty-five percent of them refused a blood alcohol test.

However, that presents a significant challenge when it comes time to prosecute these offenders. Each year, approximately 20,000 drunk drivers in the state of Ohio refuse to submit to a BAC test.

Senate Bill 17 will make BAC testing required for offenders with two or more previous convictions in six years. If they refuse to submit to a breath test, they will be subjected to a mandatory blood draw. This is a reasonable — and necessary — tool that my Office can use to successfully prosecute drunk drivers and help keep the roads — and citizens — of Summit County safe.

## **DID YOU KNOW?**

- Someone is killed in an alcohol-related accident every 39 minutes in the United States.
- Approximately one-third of all drivers who are arrested for or convicted of DUI are repeat offenders.
- On average, a drunk driver is arrested once for every 88 times he/she is driving over the legal limit.
- In 2006, 17,602 individuals were killed in alcohol-related crashes in the United States, up from 16,885 in 2005.
- Ohio ranks sixth in the nation for alcohol-related accident fatalities.
- More than 160,000 Ohioans have been convicted of three or more DUIs. Almost 40,000 have five or more DUI convictions.

## **DRUNK DRIVERS OFF THE ROAD IN 2007**

**Jess Brown** (refused breath test)

Sentence: 16 1/2 years

Driver's License Suspended for LIFE

**Terry Cradlebaugh** (refused breath test)

Sentence: 6 Years

Driver's License Suspended for LIFE

**Glenn Stanley** (refused breath test)

Sentence: 7 Years

Driver's License Suspended for 10 Years

**Danny Schuster** (refused breath test)

Sentence: 5 Years

Driver's License Suspended for 12 Years

**Chester Callebs** (refused breath test)

Sentence: 4 Years

Driver's License Suspended for 15 Years

**Patrick Naska**

Sentence: 4 Years

Driver's License Suspended for 10 Years



Questions? E-mail Laurie Cramer:  
cramer@prosecutor.summitoh.net

We're on the Web!  
www.co.summit.oh.us/prosecutor

## Top Cop

Lieutenant Rick Myers  
Stow Police Department



Nominated by: Assistant Prosecutors Beth Aronson and Margaret Kanellis

On October 29, 2007, Robert M. Murphy, 45, of Kent Road in Stow, held off Stow Police officers and a SWAT team in a standoff. Officers were there regarding allegations of rape by a 15-year-old girl. Murphy was taken into custody more than five hours later.

Lt. Rick Myers handled the investigation of the original allegation as well as a subsequent allegation by a teenaged family member of Murphy's. Lt. Myers did a very thorough job, and established that Murphy had raped this girl in several jurisdictions. He made contact with CSB, law enforcement, and witnesses in all those jurisdictions.

He was extremely thorough and diligent, as he is on every case, interviewing numerous people in multiple counties. Lt. Myers was able to lock in specific dates – which is very hard to do in these types of cases – with regard to Murphy's relative. He also matched up the dates with jurisdictions, which took a substantial effort.

One of the most impressive and important piece of evidence in the prosecution of Murphy was the detailed confession Lt. Myers was able to get regarding the other victim.

Murphy pled guilty to two counts of **Rape**, a felony of the first degree, and **Inducing Panic**, a misdemeanor, on April 1. He was sentenced by Judge Thomas Teodosio on May 2 to **16 years in prison**.

**Way to go, Top Cop!**

## Tough Prosecution



In August 2007, **Darryl Walker**, 46, of Rosemary Blvd., forced his way into the apartment of his neighbor, 84-year-old Alice Palmer, and stabbed her to death. He was looking for money to buy drugs.

Walker pled guilty to Aggravated Murder and Aggravated Robbery on March 31. He was sentenced by Judge Paul Gallagher to **40 years to Life in prison**.

**Great job on this conviction, Assistant Prosecutors Mike Carroll and Kevin Mayer!**

## MEET ASSISTANT PROSECUTOR JESSICA DIDION

**Position:** Assistant Prosecutor

**Hire date:** June 2007

**Hometown:** Clyde, Ohio

**Law degree:** Ohio Northern University

**Little known fact:**

I spent a summer studying in France while attending Miami University. I traveled to Switzerland and went white-water rafting in the Alps.

**Most memorable case:** William Hoskins was charged with Abusing Harmful Intoxicants, a felony of the fifth degree due to his prior conviction for the same charge. A witness saw him pouring paint thinner in a plastic bag and "huffing" the fumes. When officers arrived, he was unable to tell them his name or address. When he was booked into jail, the defendant told officers, "Ohio sucks. I huff because I hate Ohio." Hoskins refused to take the case seriously and take responsibility for his actions (probably because he had just finished a seven year prison term on a separate offense). During the trial, he was chatting and laughing about how silly the charge was, never expecting to be found guilty. He was convicted and sentenced to 6 months in prison.



### GUILTY!

Congratulations to Assistant Prosecutors Jessica Didion, Becky Doherty, John Green, Shauna Hill, Kevin Mayer, Justin Richard, Dustin Roth, Omar Siddiq, Brian Stano, Mike Todd (2), Mike Tripi, and Nicole Walker, who each had juries return **GUILTY VERDICTS** at trials in April!

**GREAT JOB, ASSISTANT PROSECUTORS!**

### That's Outrageous!



On November 12, 2007, Summit County Sheriff's Deputies stopped **Timothy Smith**, 54, of Akron, for weaving. He refused a breathalyzer test.

On January 8, while out on bond for that DUI case, Smith wrecked his car and then left the scene. Deputies located him and arrested him after he blew a .106 on the breathalyzer test.

Smith has nine prior misdemeanor DUI's as well as a felony DUI from 2001. He was sentenced May 6 to a total of **five years in prison**. His driver's license was suspended for life.

**Assistant Prosecutor Greta Johnson handled this outrageous case. Good job!**