



SHERRI BEVAN WALSH

Summit County Prosecutor

Newsletter

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Message from the Prosecutor



Prosecutor
Sherri Bevan Walsh

When I first became a prosecutor in the 1980's, we didn't have computers or cell phones. I still remember all the electric typewriters the police used with their white out to correct mistakes. I didn't have to ask potential jurors the TV shows they watched to make sure they didn't have unrealistic expectations about the evidence. Times have changed.

We have come from Perry Mason bolstering the jury about a smoking gun, to high-tech courtrooms. With the internet, cell phones, hand-held computers, text messaging, video, and other technology, jurors expect to see "high-tech" evidence as part of the State's case.

We recently had a jury return a Not Guilty verdict on an attempted rape case. When the prosecutor who handled the case asked the jurors their reasoning, they said they wanted DNA to prove the attempted rape.

DNA is not often left in an attempted rape, but there is usually other solid evidence. In this case, the victim and neighbors positively identified the defendant. Fortunately, he was convicted of other charges committed that day and had two parole violations, resulting in a long sentence of thirteen years in prison.

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Today, instead of proof beyond a *reasonable doubt*, jurors want proof *beyond all doubt*. Studies support how crime shows can have an impact on what jurors expect, called the CSI and Tech effect.

The CSI effect refers to the phenomenon of popular television shows such as CSI and Law & Order. These shows raise crime victims' and jury members' real-world expectations of forensic science capabilities. Prosecutors are now expected to deliver more forensic evidence in court than ever before.

A recent study resulted in the new phrase "Tech effect." This effect suggests juror expectations of, and demands for scientific evidence are the result of broader changes in popular culture related to advancements in both *technology* and *information* distribution. Those broad and pervasive changes lead jurors to expect that the prosecution will obtain and present the scientific evidence that technology has made possible.

Investigations can't stop at what used to be considered a solid case. Rather, pressing on for additional evidence, and whenever possible forensic evidence, is what makes up a solid case today.

Juror Expectations

- **46%** expected to see some kind of scientific evidence in every criminal case.
- **22%** expected to see DNA evidence in every criminal case.
- **36%** expected to see fingerprint evidence in every criminal case.
- **32%** expected to see ballistic or other firearms laboratory evidence in every case.
- **46%** expected to see DNA evidence in more serious offenses (murder or attempted murder).
- **73%** expected DNA evidence in Rape cases.
- **71%** expected fingerprint evidence in Breaking & Entering cases.
- **59%** expected fingerprint evidence in Theft cases.
- **66%** expected fingerprint evidence in crimes involving a gun.

A major commitment to increasing revenues for police, prosecutors, and forensic laboratories is required to have the most current forensic science equipment and training. We also need to expand the number of forensic laboratories to address the extensive backlog that already exists, as well as the increased demands for the future.

Unfortunately, according to the National Institute of Justice, the federal government only provides \$12 to \$15 million for forensic research annually. We need to join together to ask our federal, state and local governments to re-evaluate the changing needs and advanced forensic evidence needed for law enforcement and prosecution to be successful in providing public safety.

Questions? E-mail Laurie Cramer:
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We're on the Web!

www.co.summit.oh.us/Prosecutor/Index.htm

Top Cop!



Det. Jerry Gachett, Akron Police Dept.

Nominated by: Prosecutors **Jon Baumuel** and **Mike Rickett**, *State vs. Matthew Cunningham*

In December 2008, Det. Gachett began his investigation into the rape of a five-year-old victim. After the victim started acting out sexually at school, CSB, Northeast Ohio Behavior Health, and the CARE Center at Children's Hospital, also got involved.

Det. Gachett worked tirelessly over a six month period of time to get to the bottom of the allegations. He spoke to the victim's mother, grandmother, and grandfather and also interviewed Cunningham on multiple occasions. Det. Gachett pursued the case despite being stonewalled and discouraged by members of the victim's extended family, and others who did not believe the child's claim that she had been raped.

In a final interview, Cunningham confessed to Det. Gachett that the child was in fact telling the truth and admitted to raping her.

Cunningham was sentenced by Judge Brenda Unruh to Life without the possibility of parole.

Way to Go, Top Cop!

GUILTY at TRIAL!



Congratulations to Assistant Prosecutors **Jon Baumuel, Teri Burnside, Jay Cole, Jessica Didion, Felicia Easter, Kevin Mayer, Greg Peacock, Justin Richard, Mike Rickett (3), Norm Schroth, Omar Siddiq, Mike Todd, Maggie Tomaro, and Nicole Walker**, who all had **GUILTY** at trial in the month of September.

The month of September was busy. Eleven of the 12 completed trials resulted in guilty verdicts from the jury, a 92% success rate!

Way to go, prosecutors!

MEET ASSISTANT PROSECUTOR NORM SCHROTH



Position: Assistant Criminal Prosecutor

Hire date: January 2009

Hometown: Buffalo, NY

Law degree: Cleveland State University, Cleveland-Marshall College of Law

Background: I started my career as a college administrator.

Little known fact: I was the voted homecoming king of my college.

Most memorable case: My most memorable case is a recent one. It involved an altercation between two exotic dancers. It was the victim's first day at the gentlemen's club. Another dancer, who was two months pregnant at the time, took offense to her taking too long in one of the changing stalls. When the victim came out of the stall, the Defendant attacked the victim using the victim's own stiletto shoe. I was surprised at all of the media attention this case received.

That's Outrageous!



We recently had a juror who had absolutely no interest in doing his civic duty. When he was being sworn in he said, "I can't be here. I have things to do." He then rocked in his chair and huffed and puffed during the first day of the trial. The judge had a talk with him about his attitude and told him it was his duty to be part of the jury. The second day of trial, he told the judge's bailiff that the trial, "was a waste of his time."

When it was time to deliberate on the charges, the other jurors complained that he was being hostile and was refusing to speak to anyone. He also was talking on his cell phone the entire time.

The verdict? Not guilty on two of the charges; hung on two charges (all voted to convict except him) and guilty on one. It's tough to win a case when a juror won't pay attention!

Now that is outrageous!
(Thankfully, this doesn't happen often.)