



2003 ACCOMPLISHMENTS

FROM THE OFFICE OF PROSECUTING ATTORNEY
SHERRI BEVAN WALSH

The past three years have proven to be challenging and very rewarding. In my position as Prosecutor, my goal is to prosecute criminals aggressively and ensure that victims receive support and assistance throughout the criminal justice proceedings.

My office has continued to play an active role in educating the community about crime-related issues. Prosecutors attend a variety of community and block club meetings. I have spoken to almost 4,000 senior citizens on how to protect themselves from becoming victims of burglary, assaults, purse snatchings, car jacking, and thefts by con and scam artists. To this end, I declared September as Senior Citizen Safety Awareness Month and created a Senior Citizen Calendar with each month featuring a different safety tip.

Our Safety Kids Calendar program continues to disseminate important safety messages to our school children. This year's calendar again includes the 12 Rules for Staying Safe, such as: "Say No to Gangs", "Never Play with Guns", "Say No to an Unwanted Touch", "Tell a Teacher or Parent if You Feel Threatened", and "Don't use Alcohol". Some of this year's winners in the 12 rules competition were "Don't give in to Peer Pressure", "Don't Drink and Drive", "Keep Personal Information Personal," and "It's Our World Keep It Drug Free".

Since 2001, my office has received grant funding for positions within the office in the total amount of \$1,444,502.34. Through these funds, I have been able to create a Domestic Violence Unit, Community Prosecution Program, Project Safe Neighborhoods Program and advocate positions within the Victim Services Division.

Additionally, my office received a grant from the Akron Community Foundation to expand the "Introduction to Criminal Justice" Program (ICJ) at four or more schools in 2003-2004. The response from schools to this program was so great I hired a part-time legal intern to expand the program to 18 schools. The program includes a classroom lecture, mock trial, and field trip for the class.

Former State Senator Leigh Herington and I drafted legislation against habitual drunk drivers in an effort to get them off the roads. If an offender has five or more prior lifetime convictions for DUI, the law will now treat a new offense as a felony of the fourth degree. Grand Juries will also be able to add a specification for habitual drunk drivers that will mandate a prison sentence of one, two, three, four, or five years for such offenders. Any prison time served under the new specification would be additional to the sentence for the underlying felony DUI. Our efforts included a petition drive involving local businesses placing posters in prominent spots encouraging customers to sign petitions. The petition drive resulted in securing almost 13,000 signatures in support of this legislation. This legislation became law on June 24, 2004 and will take effect on September 22, 2004..

Generous contributions from my office through dress down days, book sales, bowl-a-thons, etc. have benefited many charities such as Harvest for Hunger, Battered Women's Shelter, MADD, and Special Olympics. A total of \$11,848.50 was distributed to these worthwhile charities in 2003.

VICTIM SERVICES DIVISION



Our Victim Services Division

Kristen Arapp is the Director of the Victim Services Division and supervises ten victim advocates and three victim interns. The Victim Services Division assists over 5,000 victims yearly. Advocates work with victims and keep them apprised at each stage of their case.

The Victim Services Division now provides victims with Internet access to case information through our COPS system. Sixty-eight victims have taken advantage of this service since its inception in February 2003. Through this service, victims receive automatic e-mail messages when any new developments occur on their case.

The Division created a Victim Compensation Information Packet that includes mileage forms, a compensation application, and a checklist of expenses covered. Advocates either mail or personally give these packets to victims and have assisted 41 victims in actually preparing applications for crime victim compensation.

The Division actively opposes parole for all homicide and sexual assault offenders. At this time, there are 79 active cases in which we are opposing parole. The Division has requested Full Board Hearings on 13 scheduled release dates. Only three of these petitions were denied. Kristen Arapp and/or her Administrative Assistant attended all ten Full-Board Hearings.

COMMUNITY PROSECUTION PROGRAM



Community Prosecution Unit

Community Prosecution happens throughout the United States where city and county prosecutors' offices see the benefit of developing "community prosecutors" who are not assigned to only one court but work in a specific region or neighborhood in an effort to improve law enforcement, crime prevention, and community development. This program was initiated in 2001 with one full-time prosecutor and one full-time advocate. In 2003, the program was expanded by adding a second prosecutor and a part-time legal intern.

Prosecutors in this unit prosecuted 44 felony drug offenses from the target enforcement area of Akron's Summit Lake neighborhood. There were 113 total felony offense cases from the target area in 2003. The prosecutors also assisted the Felony Drug Court program by screening 998 individuals for participation, of which 56 met the criteria and were accepted into the program in 2003.

The unit piloted the "Introduction to Criminal Justice" Program (ICJ) at Lincoln Elementary School in Akron with the SLNA Youth Committee. The program included a classroom lecture, a mock trial, and a field trip for the fifth grade class. This program was featured in the *Akron Beacon Journal* and on local television newscasts. Our office was the recipient of a grant from the Akron Community Foundation to expand ICJ to four or more schools in the 2003-2004 school year. The response from schools to this program was so great, we hired a part-time legal intern to expand ICJ to 18 schools in Summit County.



The unit coordinated a local Coalition Against Repeat Drunk Drivers (CARDD) to assist in passing SB 69/HB 163 in the Ohio General Assembly, developed a PowerPoint presentation, and

organized 13 community meetings on the legislation that reached some 200 persons. They also obtained endorsements from 34 police chiefs and community leaders.

CRIMINAL DIVISION

Prosecutors in the criminal division disposed of 3,987 cases in 2003 and obtained convictions in approximately 96% of these cases.

- 3,987 Total Defendant's Cases Disposed of in 2003
- 147 Not guilty or dismissed 4% acquittal rate
- 3,840 Guilty at Trial or pled Guilty 96% conviction rate

Prosecutors disposed of 22 Homicide cases in 2003 and obtained convictions in 20 of these cases. One of last year's most highly publicized murder cases involved that of John Zaffino, who received a life sentence last March for killing Jeff Zack of Stow by shooting him while Zack was stopped at a gas pump.

Grants funding positions within the Criminal Division include:


- A Domestic Violence Unit is being formed with a grant for \$480,000 over two years beginning in January 2004. The Battered Women's Shelter and Victim's Assistance will receive some of the funds to employ advocates.
- Project Safe Neighborhood awarded us another grant for \$75,000 over two years called the Fugitive Task Force Grant. The purpose of the grant is to help law enforcement officers serve warrants. This grant will also start in 2004.

The Violent Crime Unit continued their work through this year involving five prosecutors taken from courtroom assignments. These assistant prosecutors start with grand jury indictments and proceed to trial, when defendants do not plead, in the most serious cases. The focus is on RICO, homicide, sexual assaults, and gun cases. In 2003, this unit handled 445 violent crime cases and disposed of 443 cases.

Our office reintroduced legislation against habitual drunk drivers in an effort to get them off the roads. Our petition drive was a success in enlisting local businesses to place posters in prominent spots to encourage customers to sign petitions. The petition drive resulted in over 13,000 signatures. Law enforcement agencies and MADD have endorsed legislation that will affect DUI offenders with five or more prior convictions. The proposed legislation will result in felony four charges if the offender has five or more prior DUI's, regardless of when the prior convictions occurred. The proposed legislation also mandates one to five years of incarceration. Prosecutor

PETITION DRIVE

RID OUR ROADWAYS OF HABITUAL DRUNK DRIVERS



SIGN A PETITION TO SUPPORT SENATE BILL 294 THAT WILL IMPOSE ONE TO FIVE YEARS OF **MANDATORY INCARCERATION** FOR FELONY D.U.I. OFFENDERS WITH FIVE OR MORE PRIOR D.U.I. CONVICTIONS

CURRENT LAW ONLY PROVIDES A MAXIMUM 120 DAYS OF MANDATORY INCARCERATION FOR THESE OFFENDERS.

BILL SPONSORED BY STATE SENATOR LEIGH HERINGTON AND SUPPORTED BY:

SUMMIT COUNTY PROSECUTOR SHERRI BEVAN WALSH
SUMMIT COUNTY SHERIFF DREW ALEXANDER
AKRON POLICE CHIEF MICHAEL MATULAVICH
MOTHERS AGAINST DRUNK DRIVERS

Walsh received the Red Ribbon Award from the local Summit County MADD chapter in November 2003 for her efforts in changing the DUI law.

CHILD SUPPORT ENFORCEMENT AGENCY

The Prosecutor’s Child Support Enforcement Agency accomplished several new initiatives in 2003 and continued to provide quality legal, case management, fiscal, and support services to clientele who now comprise nearly 49,000 cases.

BEST PRACTICES

For the third consecutive year, CSEA was the recipient of an Ohio Family Support Association Best Practice Award. The award was given as a result of our Criminal Non-Support Program and Website. The website provides information about individuals wanted on criminal charges for non-support. Only ten such awards were presented statewide.

WEBSITE

This year we implemented an addition to our web page. This addition lists individuals wanted by CSEA for Felony Criminal Non-Support. Included in this database is the name, last known address, number of children, amount owed in child support arrears, and a photograph. This database contains over 120 individuals with active warrants who collectively owe in excess of \$3,000,000. Several tips called in resulted in the arrest of at least 15 individuals listed since the inception of this database. Over 49,000 people have visited this website.



Scott Brown
Last Known Address:
5921 Wells Court Mullins , SC 29574
Owes his 2 children \$16,426.24
Age: 36

CRIMINAL NON-SUPPORT

For the calendar years 2001, 2002 and 2003, Summit County CSEA collected a total of \$2,647,362.53 as a result of Criminal Non-Support indictments.

Criminal Non-Support Summary - December 31, 2003	2001	2002	2003
Total Indictments	310	330	402
Convictions/Pending Cases	279 / 1 Pending	272 / 3 Pending	227/56 Pending
Indictments Dismissed	20	26	30
Total Support Collected for Indicted Cases	\$ 1,356,548.47	\$ 880,917.67	\$ 311,541.89
Mediation Payments	\$ 62,567.91	\$ 24,616.52	\$ 11,170.07
Total CNS Collection	\$ 1,419,116.38	\$ 905,534.19	\$ 322,711.96

INTERSTATE ENFORCEMENT

With a staff of four child support specialists, one clerical specialist, and nearly 2,800 cases, CSEA's Interstate Unit was responsible for collecting over \$2.3 million dollars during 2003 by initiating support actions in other states where non-custodial parents reside. Due to the success of the specialized unit, serious consideration is being given to adding staff to process all responding interstate cases when the non-custodial parent resides in Ohio.

PATERNITY AND SUPPORT ESTABLISHMENT

CSEA staff worked diligently to establish paternity and child support orders for children born out of wedlock. These paternity establishment efforts are supplemented with external outreach efforts geared to mothers of newborn children in area hospitals. CSEA's combined efforts resulted in 4,892 paternities established in 2003, an increase of 32% over 2002. CSEA also was successful in establishing 4,886 new child support orders through administrative and judicial processes. The number of support orders established increased nine percent over 2002.

CHARITABLE CONTRIBUTIONS

During 2003, CSEA Administration and Staff had the opportunity to support many worthwhile charities through a bowl-a-thon, walk-a-thon, bake sales and casual days. Employees showed their generosity through cash donations, as well as substantial donations of non-perishable food and new or gently used clothing items.

APPELLATE DIVISION

The two appellate attorneys in the Summit County Prosecutor's office represent the State in the Ninth District Court of Appeals, Ohio Supreme Court, and the United States Supreme Court. The Appellate Division also responds to legal questions from assistant prosecutors on a daily basis and often works with law enforcement officers when obtaining search warrants in the Court of Common Pleas. In 2003, defendants filed 111 appeals in criminal cases and 5 appeals in Juvenile Delinquency cases. The appellate division filed 95 merit briefs in the Ninth District Court of Appeals in criminal cases and 3 merit briefs in cases involving delinquent children.

The State successfully argued *State v. McAdory*, in which the Ninth District Court of Appeals affirmed the defendant's conviction for rape and the trial court's finding that the defendant was a sexual predator. Mr. McAdory was sentenced to life without parole as a result of these convictions. The State also successfully argued *State v. Zaffino*, involving an execution style killing of a former Israeli paratrooper. Although the case was based exclusively on circumstantial evidence, the Ninth District Court of Appeals affirmed the conviction.

The Summit County Prosecutor's Office represents the Children's Services Board in permanent custody cases in which the agency permanently relinquished the parental rights and responsibilities of parents who abused or neglected their children. The Appellate Division filed 23 additional briefs in the Ninth District Court of Appeals representing that agency, and the Court of Appeals affirmed 87 percent of these cases.

JUVENILE DELINQUENCY DIVISION

The prosecutors in the Delinquency/Unruly Division handle all juvenile criminal cases, including traffic offenses, misdemeanors, and felonies. The prosecutor will represent the State of Ohio in court on these cases from preliminary hearings through trial and disposition. In addition to these duties, a prosecutor is assigned to the Crossroads Program, the Juvenile Court's Drug Court, and sits as a representative of the Summit County Child Advocacy Center. Prosecutors in this division also handle complaints from the general public regarding juvenile defendants, and, when appropriate, assist the general public in filing criminal complaints against juveniles. Prosecutors in this division also handle adult criminal cases involving the offense of contributing to the delinquency of minors.



The Delinquency Division successfully prosecuted over 7,000 referrals, including a record number of violent offenses and sex offenses. They also successfully prosecuted a record number of high profile cases including the *Jai Chandler and Diarice Fitzgerald* murder case, the *Jerron Johnson* case involving multiple counts of rape, attempted murder, and aggravated murder, *Pierre Logan's* gang rape case, and the *Jamie Wagner* murder for money case. Continued cooperation with the Akron Police Department and the Ohio Attorney General's Office in prosecuting gang-related cases has proved very rewarding.

JUVENILE DEPENDENCY/NEGLECT/ABUSE DIVISION

The Dependency/Neglect Division represents Summit County CSB in cases involving children who are alleged to be abused, neglected and/or dependent. Prosecutors correspond directly with the assigned CSB caseworker to create a plan to present information to the court. Following the court's adjudicatory finding of abuse, neglect or dependency, they continue to represent the agency as it works towards reunification or the termination of protective supervision through the case plan of specific services for the family.

The number of new dependency/neglect/abuse cases handled by our six-attorney staff increased slightly in 2003 to 1,093 from 1,044 last year.



CIVIL DIVISION



Civil Division Staff

The Civil Division provides counsel and representation to approximately thirty county agencies, as well as a variety of townships, school districts and public libraries. It is comprised of five attorneys and three support staff who work together in teams to achieve consistently superior results.

The Civil Division has rendered over 60 legal opinions to Summit County Townships and other entities in the year 2003 with an improved response time averaging only three weeks.

The Civil Division Newsletter is published quarterly and contains summaries of significant legal opinions, legislation passed by County Council, and other topics of interest to local governments and agencies.

The Prosecutor is the legal advisor to all County Elected Officials and Boards, including Boards of Township Trustees. In this capacity, the Prosecutor has been diligent in maintaining an environment of accessibility, candor, and professionalism.

TAX DIVISION

FORECLOSURES

The Tax Division initiates and prosecutes delinquent real estate tax foreclosures on behalf of the Fiscal Office and for the benefit of tax lien certificate holders, municipalities, and other governmental entities.

Tax Lien Foreclosures

In 1998, the Treasurer implemented the sale of tax lien certificates to private parties. Delinquent real estate taxes were paid by the private parties in exchange for tax lien certificates and the right to charge fixed interest on them. In 2003, 249 cases were filed resulting in collections totaling \$2,542,176. Fees obtained in these cases (which are deposited in the DRETAC funds of the Prosecutor and the Fiscal Officer) totaled more than \$350,000.

PERSONAL PROPERTY TAX CASES

The Tax Division initiates and prosecutes actions for the Fiscal Office for the collection of delinquent personal property taxes. In 2003, 61 civil actions were filed resulting in collections totaling approximately \$41,000.

BANKRUPTCY CASES

In 2003, the Tax Division received personal bankruptcy notices involving 714 parcels with claims for delinquent taxes totaling \$312,905. Additionally, there were 237 replacement claims filed in ongoing bankruptcies, totaling \$355,500.

In business bankruptcies, the Tax Division received 51 new cases with claims totaling \$2,391,748 in delinquent real and personal property taxes.