



2014 Annual Report



Warren County Prosecutor's Office



**Warren County Prosecutor
David P. Fornshell**

2013 continued to be eventful in the Warren County Prosecutor's Office. In total, we were responsible for more than 22,462 court cases, including 925 felonies, over 2,800 juvenile cases, 6,737 adult misdemeanors, and over 12,000 child support cases. In addition, we provided legal counsel to 30 county agencies, eight townships, and five public libraries. Please contact us at (513) 695-1325 or visit our website at www.warrencountyprosecutor.com for further information.

**David P. Fornshell
Prosecuting Attorney
Warren County, Ohio**

Construction of New Office Building

On September 6, 2013, Warren County Officials broke ground on the new Warren County Justice Drive Office Building. The three-story structure is being constructed just south of the Common Pleas Court Building and will house the Prosecutor's Office, Court Services, the 911 Dispatch Center, and the Board of Elections.

The primary benefit of the new building for the Prosecutor's Office will be the additional space it provides. The current office has one meeting area that serves simultaneously as a conference room, "war" room, evidence production room, and lunch room. The new facility will contain two conference rooms, two war rooms, and a lunch room, as well as a training room, a dedicated grand jury room, and an expanded evidence locker.

Additionally, Prosecutor's Office employees, not counting the Child Support Enforcement Agency, are currently spread in five different locations throughout the Common Pleas Court Building and the County Administration Building. The new building will consolidate those employees under the same roof.

The building is slated for completion in August 2014.



Architect's rendering of Justice Drive Office Building



Fornshell speaks at September 2013 groundbreaking

Community Involvement

Prosecutor Takes Plunge for Special Olympics

On January 26, 2013, the 3rd Annual Caesar's Creek Polar Plunge was held to benefit Special Olympics Ohio. Braving air temperature of 26 degrees and water temperature just above freezing, Warren County Prosecutor David Fornshell and Scott Male, Chief Investigator for the Warren County Prosecutor's Office, joined "Team Super Troopers" from the Ohio State Highway Patrol and dozens of other participants for the brief dip into the icy waters of Caesar Creek Lake in Massie Township. This year's motto for the plunge was "Freezin' for a Reason."

"It started out as kind of a dare from a state trooper," Fornshell said. "But when I found out it benefited Special Olympics Ohio, I decided that people might pay money just to see the county prosecutor 'Freezin' for a Reason,'" said Fornshell, who previously served as Secretary for the Warren County Board of MRDD (now Warren County Board of Developmental Disabilities). "I've seen how much joy the Special Olympians experience through their participation in these competitions and am thrilled to be able to help raise funds for such a worthwhile cause."

Donations for this year's event exceeded \$25,000.



2013 Daylight Prom for Special Needs Students

The Warren County Prosecutor's Office was a presenting sponsor of the 2013 Daylight Prom to benefit special needs students from several Warren County high schools. Over 300 special needs students, their parents, and volunteers attended the event which was held at the Lebanon High School gymnasium on April 26, 2013. Special needs students dressed in traditional prom wear, entered through a sabered archway provided by the school's ROTC program, and were treated to a catered lunch, a professional disc jockey, and dancing, while photographers captured the event.



Victim Awareness Event

The Warren County Prosecutor's Office, along with other local county agencies, held their annual event on April 24, 2013 to help raise awareness of National Crime Victims' Rights Week. Each year, the Office for Victims of Crime helps lead communities throughout the country in their annual observances of National Crime Victims' Rights Week (NCVRW) by promoting victims' rights and honoring crime victims and those who advocate on their behalf. This year's theme was "New Challenges. New Solutions." The Warren County event included a free day of training and continuing education units on topics including Stewards of Children (Adults Protecting Children from Abuse), Cyber Safety, Sexual Assault in the Military, and Sexual Violence in Ohio.



Springboro Police Department Officers Receive Errol D. Butt Award

Springboro Police Department Officers Terry Dunkel and Randy Peagler were presented with the 2013 Errol D. Butt Award. Dunkel and Peagler were the primary detectives who investigated Jason Milby for the crime that occurred at his girlfriend's house in Springboro in July of 2011. Milby inflicted traumatic brain injury to the two-year-old son of his girlfriend, the result of which will cause the boy to remain in a permanent vegetative state. Medical evidence produced at trial proved the victim was shaken, shaken with an impact, or injured through some combination of both mechanisms. In January of 2013, a unanimous jury convicted Milby of felonious assault and child endangering, both felonies of the 2nd degree. Milby was sentenced to serve eight years in prison – the maximum allowable for the crimes committed.

Warren County Prosecutor David Fornshell presented the award to Dunkel and Peagler (pictured below). "Detective Dunkel's and Detective Peagler's hard work, extraordinary professional competence, and dedication to seeing that Jason Milby was held accountable for his horrendous crime reflect great credit upon themselves, their families, and the entire Springboro Police Department," said Fornshell. "But more importantly, they sought and obtained justice for a little boy who will never know what they did, or ever be able to thank them for what they did, but whose life has touched all of us and reminds us why we choose to do what we do."

The Errol D. Butt Award is named after the long-time officer and former Prosecutor's Office Chief Investigator who succumbed to cancer in 2004. The award is given annually to the law enforcement officer who best exemplifies the late officer's service to the local community.



National Night Out

In August, our office once again participated in the 10th Annual National Night Out events in Lebanon and Clearcreek Township. This is an annual nationwide crime and drug prevention event, which involves over 10,000 communities from all 50 states. National Night Out has proven to be an effective, inexpensive, and enjoyable program to promote neighborhood spirit and police-community partnerships in our fight for a safer nation.



6th Annual Blue Ribbon Nite Gala

The 6th Annual Blue Ribbon Nite Gala to benefit the Child Advocacy Center of Warren County was held on November 15, 2013 at the Manor House in Mason, Ohio. This event provides a significant portion of the annual operating budget for the CAC. The theme of this year's event was "Dancing for the Blue Ribbon" and featured a Dancing with the Stars style competition. Several Prosecutor's Office employees assisted in planning the event, as well as participating as impromptu "transition" dancers.



Financial Report

As stewards of the taxpayers' money, and particularly in these economic times, it is critical that all levels of government provide better service on increasingly fewer tax dollars.

One of the primary missions of the Warren County Prosecutor's Office is to provide excellent and efficient service to the citizens of Warren County and our governmental clients. Since assuming office at the beginning of 2011, Warren County Prosecutor David Fornshell has emphasized his commitment to fiscal responsibility in managing the Prosecutor's Office's budget. Under the 2013 General Fund budget, the Prosecutor's Office expended \$2,460,881.06 and "returned" to the Warren County Auditor's Office \$155,190.94 in unused funds.

Budget Year	Expenditures
2010	\$2,641,179.01
2011	\$2,611,980.80
2012	\$2,513,838.11
2013	\$2,460,881.06

Criminal Division

In 2013, the Criminal Division continued its aggressive prosecution of violators of the laws of the State of Ohio, handling 925 felonies. The Prosecutor's Office also handled 45 appeals arising from those convictions, a significant increase over 2012. In County Court, the Criminal Division was responsible for handling 6,737 misdemeanor cases, including domestic violence, assaults, thefts, drunk driving, watercraft and hunting violations, and traffic offenses. Some of the significant criminal cases prosecuted in 2013 are listed below:

Violent Crimes



Jason Milby, 30, of Riverside, Ohio, was found guilty following a four-day jury trial of felonious assault and child endangering, both felonies of the 2nd degree, for severely injuring the two-year-old son of his girlfriend. In July of 2011, at his girlfriend's house in Springboro, Milby inflicted traumatic brain injury to the young boy, the result of which will cause him to remain in a permanent vegetative state. Medical evidence produced at trial proved the victim was shaken, shaken with an impact, or injured through some combination of both mechanisms. Milby was sentenced to the maximum allowable term of eight years in prison.



William Jackson, 48, of Dayton, Ohio, pled guilty to aggravated robbery and was sentenced to five years in prison for attempting to rob an ATM customer at the PNC Bank in Landen. In December of 2012, Jackson approached the victim from behind and demanded she give him \$200 or he would hit her on the head with a hammer. The victim ran away and escaped unharmed. Jackson then fled in his vehicle but crashed and was apprehended a short time later.



Joseph Kinsworthy, 28, of Maineville, Ohio, was found guilty of criminal damaging, menacing by stalking, and burglary and sentenced to 27 months in prison. Kinsworthy has a prior history of domestic violence, menacing by stalking by making threats, damaging property, the killing of a pet dog, burglary, and threatening conduct toward law enforcement.



Trevon Broomfield, 21, of Dayton, Ohio, pled guilty to failure to comply with the order of a police officer, felonious assault on a police officer, receiving stolen property, and three counts of theft. These charges arose from the theft of cars listed on Craigslist and a high-speed pursuit of a stolen car, which nearly caused serious injuries to an Ohio State Highway Patrol trooper. Broomfield was sentenced to seven years in prison.



Jamarcus Brown, 22, of Dayton, Ohio, was found guilty of assault on a police officer and failure to comply with the order or signal of an officer and sentenced to three years in prison. In August of 2013, Brown struck a Monroe police officer with his vehicle while fleeing from a shoplifting investigation at the outlet mall in Monroe, Ohio. The officer was forced to fire two shots at Brown, striking him in the leg. Brown had a prior conviction for fleeing from police and was wanted for a high-speed chase that ended in a crash in Montgomery County a few days earlier.



Heather Anne Boling, 29, of Pleasant Plain, Ohio, pled guilty to one count conspiracy to commit aggravated murder and was sentenced to four years in prison. In May of 2013, Boling solicited an acquaintance through Facebook to commit the murder or procure someone to commit the murder of her ex-husband who had just obtained custody of their child. Law enforcement officials were notified, and an undercover detective posing as a hit man set up a meeting with Boling at the outlet mall in Monroe, Ohio. There, she agreed to pay the undercover detective \$22,000 to murder her ex-husband. After completing the transaction, she was taken into custody without incident.



Nicholas Powers, 19, of Camden, Ohio, pled guilty to two counts aggravated vehicular homicide and was sentenced to ten years in prison. While driving in Middletown under the influence of marijuana metabolites and difluoroethane (canned air), Powers passed out and crashed his vehicle into another, causing the deaths of two people.

Sex Offenses



James Redman, 57, of Franklin, Ohio, pled guilty to rape involving a victim less than 13 years of age and gross sexual imposition and importuning involving the same victim. He was sentenced to ten years in prison on the count of rape, five years on the count of gross sexual imposition, and five years on the count of importuning, all to be served consecutively for a total of 20 years. Redman was also found to be a Tier III sexual offender. When he is eventually released from prison, he will be required to register every 90 days for life. These charges arose as the result of an incident when Redman sexually assaulted a victim under the age of 13 with whom he was acquainted.



Tanai D. Fortman, 32, of Springboro, Ohio, pled guilty to rape and pandering sexually oriented matter involving a minor and was sentenced to 15 years in prison. Fortman sexually abused a child under ten years of age and video recorded the act. The abuse occurred at the woman’s home in Springboro. The woman’s boyfriend discovered the video and alerted Springboro police.

Drug Offenses



Allen Honeycutt, 59, of Cincinnati, Ohio, was found guilty by a Warren County jury of trafficking, possession, and cultivation of marijuana, possession of criminal tools, and engaging in a pattern of corrupt activity stemming from his participation in a drug trafficking organization that supplied high-grade marijuana to students in two Warren County school districts. Honeycutt was sentenced to serve a mandatory eight years in prison and pay mandatory fines of \$17,500. He must also serve five years of post release control after he is released from prison. Honeycutt was the last person to face charges among seven adults and a Mason High School teen.



Hamza Shalash, 24, of Cincinnati, Ohio, was found guilty of eight counts of trafficking in drugs and one count of engaging in a pattern of corrupt activities following a three-day jury trial. Shalash was the co-owner and manager of the Marathon gas station and convenience store located on North Broadway in Lebanon. An extensive investigation was conducted into the sales of various types of controlled substance analogs, including synthetic marijuana and substances commonly referred to as “bath salts,” from the business. Multiple civilians and undercover agents were able to purchase the drugs from Shalash’s business. This was one of the first major prosecutions of individuals trafficking in synthetic marijuana and analog drugs as a result of House Bill 64, which became effective in 2011. Shalash was sentenced to a mandatory term of 11 years in prison.

Other Notable Crimes



Michele Petrey, 44, of Springboro, Ohio, pled guilty to theft for stealing \$64,800.56 from the Clearcreek Youth Soccer Association. She was sentenced to three years community control, which includes 90 days in county jail, 100 hours community service, and restitution to the association. She was also ordered not to serve on any boards of any organizations in a voluntary capacity or in respect to finances. If Petrey fails to comply with all of the terms of community control, she faces a possible prison sentence of 18 months. Full restitution of \$64,800.56 was made to the association.



Thomas Harves, 61, of Springboro, Ohio, pled guilty to aggravated theft for stealing \$439,455.73 from the Springboro Athletics Booster Association. He was sentenced to 90 days in jail, three years community control, and restitution to the association. Harves was a long-time supporter of the Springboro Athletics Booster Association and had served on its board as president and most recently as treasurer. Between 2004 and 2012, Harves signed, endorsed, and cashed over 300 unauthorized checks from the Springboro Boosters’ operating account and used these funds for personal purposes. Full restitution of \$439,455.73 was made to the association.



Rodney Grisham, 37, of Dallas, Texas, was arrested by Kings Island police after complaints he was photographing children. Subsequent investigation revealed that a semi-truck he was driving was parked in the Kings Island parking lot and contained two loaded handguns, one loaded shotgun, and six and one-half tablets of hydrocodone. Grisham is a multi-state offender with convictions in Kansas and Tennessee which include aggravated burglary, aggravated assault, possession of drugs with intent to sell, conspiracy, possession of firearms, and sodomy. These offenses make it illegal for Grisham to possess weapons. Grisham was convicted in Warren County for possession of drugs and possession of weapons under disability and sentenced to 36 months in prison.

Appellate Cases

This year was marked by numerous appellate cases, including three cases appealed to the United States Supreme Court. This marked the first time in recent history that this office has filed briefs before the United States Supreme Court.

Ryan Widmer, convicted in 2011 for the bathtub murder of his wife Sarah and sentenced to 15 years to life in prison, appealed both his original conviction and post-trial motions for a new trial to the 12th District Court of Appeals. He asked the Ohio Supreme Court to review his conviction, focusing on areas concerning the expert testimony of a crime scene analyst and the seizure of the bathtub as evidence. His second appeal to the Ohio Supreme Court again attacked the background of police investigators and the refusal of the trial court to order new genetic testing.

The Ohio Supreme Court declined to accept either of his appeals, and Widmer then sought review by the United States Supreme Court, the highest court in the land. In October, the United States Supreme Court turned down both of his petitions for certiorari.

In 2011, **William Vore** was convicted for robbery of the Fifth Third Bank located on Fields Ertel Road. The robbery occurred in 2010, but Vore was not tried in Ohio until almost a year later due to his imprisonment on federal bank robbery charges unrelated to the Fifth Third Bank robbery.

Vore filed numerous post-conviction appeals, all of which were denied by the 12th District Court of Appeals and the Ohio Supreme Court. In 2013, he sought a review of his conviction by the United States Supreme Court. In November, the high court declined to hear his appeal.

In 1997, **James Hanna**, an inmate at the Lebanon Correctional Institution serving a sentence for murder, stabbed his cellmate with the sharpened handle of a paintbrush. The handle pierced the eye of Peter Copas and caused his death due to massive brain injuries. Hanna was convicted of aggravated murder and sentenced to death by a Warren County jury in 1998. In the ensuing 15 years, Hanna has filed numerous appeals through the state court system and the federal courts. The Ohio Supreme Court has upheld his conviction on at least two occasions. Numerous federal courts have reviewed and upheld his conviction. In October, the United States Supreme Court, for the second time, declined to hear his final appeal.

Based upon the fact that Hanna has exhausted all of his appellate remedies and has no further appeals to pursue, our office filed a motion with the Ohio Supreme Court to schedule Hanna's execution. The court has not yet scheduled the execution, but we expect it will be sometime in 2015.

Parole Watch

Among many other duties, our office is advised when convicted felons are eligible for parole. Under current statutes, only the most serious offenses are eligible for parole. In other cases, offenders were convicted of serious offenses some years ago, but are still serving life sentences or very lengthy prison sentences. Our office routinely reviews these cases and opposes the release of violent felons.

The public can follow the status of these cases by accessing the “Parole Watch” function on the Prosecutor’s website: www.warrencountyprosecutor.com. This function also allows the public to directly communicate its views regarding parole to the Ohio Parole Board. In our experience, a demonstration of public concern is frequently the factor that keeps these dangerous criminals behind bars.

In 2013, we reviewed and opposed more than 30 cases where inmates were being considered for parole. Among the worst of those cases are the following:

Eugene Gall, Inmate A416846 – Multiple Murders, Rape, Kidnapping, and Robbery

In 1970, Eugene Gall was convicted of the rape of a young woman in Franklin Township. He was convicted of similar charges in Butler County. He was released on parole in 1977.

While on parole, Gall raped and murdered a 14-year-old girl in Montgomery County. He then robbed and raped a young woman in Greene County. In 1979, he abducted a 12-year-old girl in Cincinnati and took her to Northern Kentucky where he murdered her. He robbed a store and became involved in a shootout with Kentucky police, seriously wounding a Kentucky state trooper. He was sentenced to death for the Kentucky murder, but that sentence was set aside by the federal courts.

Upon his return to Ohio, he was to serve multiple sentences, including life. However, early this fall we were notified that Gall was being considered for parole. After strong objections by this office, as well as several other prosecutors, Gall’s parole hearing was postponed for many years. Eugene Gall is truly one of the few individuals in our society who should **never** be released from prison.

David Marsh, Inmate A181693 – Murder of a Child and Child Endangering

In 1984, David Marsh was convicted of the murder of his three-year-old daughter. Investigation revealed that his baby had suffered multiple, willfully inflicted injuries over her short life. Since being sentenced to prison, Marsh has been convicted of having weapons in prison on two occasions. We successfully opposed his release, but he will be eligible for another hearing in February 2015.

James Bradford Kerr, Inmate A186512 – Aggravated Murder, Kidnapping, and Aggravated Robbery

James Bradford Kerr, along with Kevin Smith, robbed the Travelodge Hotel in Mason in 1985. They stabbed the clerk and left him on the floor to die. We successfully opposed his release on parole and will continue to monitor his status when he is reconsidered in 2017.

Kevin Cole, Inmate A336015 – Rape, Attempted Rape, and Gross Sexual Imposition

In 1996, Cole was convicted of rape and three counts of gross sexual imposition in Hamilton County. The following year, he was convicted of attempted rape involving a 12-year-old child in Warren County. Cole has been classified as a sexual predator with a high risk of re-offending and has a history of criminal behavior. We opposed his release, and he will not be considered again until 2016.

Kenneth Ferris, Inmate A245280 – Vandalism, Attempted Rape, Gross Sexual Imposition, and Rape

Kenneth Ferris had a lengthy criminal record and received multiple opportunities to complete probation instead of prison. However, he continued to commit increasingly violent crimes.

In 1987, he was convicted of vandalism arising from a fire he started. Later that year, he was convicted of attempted rape and gross sexual imposition involving two children but was again allowed to be on probation. Finally, in 1991, he was convicted of the rape of an eight-year-old child and sentenced to prison. Ferris was subsequently determined to be a sexual predator, having been diagnosed with pedophilia, severe, not exclusive type, paranoid schizophrenia, and malingering. We opposed his release, and he will not be considered again until 2016.

Juvenile Division

In 2013, the Juvenile Division was responsible for handling over 2,800 cases. The Juvenile Division worked to ensure that minors who violated the law were punished and that they understood the consequences of their illegal actions. The cases handled within the Juvenile Division range from truancy and traffic to rape and homicide charges. It is the goal of the Juvenile Division to protect Warren County from juvenile delinquency, while at the same time preventing the juvenile offenders from becoming the next generation of defendants in the adult criminal system. Additionally, the Juvenile Division is responsible for handling child protection cases and providing legal representation to Warren County Children Services, as well as handling Adult Protective Services cases.

Investigative Division

In 2013, the Investigative Division operated as a close link between law enforcement agencies and the Prosecutor's Office. The Investigative team provided assistance to law enforcement agencies and valuable information to the Prosecuting Attorney from investigation to arrest to trial. In addition to working with local law enforcement, the Prosecutor's Investigators served on the Southern Ohio Fugitive Apprehension Strike Team (SOFAST), which is a joint venture of local, state, and federal law enforcement members to catch fugitives across the region.

Victim/Witness Division

The Mission of the Victim/Witness Division is to serve victims with compassion while promoting the judicial process. The advocates provided services to over 3,300 victims in 2013. Six Prosecutor-based advocates served victims of crime in Common Pleas Court, Warren County Court, Juvenile Court, Lebanon Municipal Court, Franklin Municipal Court, and Mason Municipal Court. Advocacy support and services were also made available to physically and sexually assaulted children and their non-offending family members at the Child Advocacy Center of Warren County. Our advocates are continuously finding ways to better assist and navigate victims through the court process and make them aware of their rights.

Civil Division and Delinquent Tax Division

In 2013, the Civil Division provided legal counsel and representation to over 30 county agencies, boards, commissions, departments, and elected officials, as well as eight townships and five public libraries. In representing its clients, the Civil Division handled litigation, employment issues, zoning lawsuits, and contract negotiations. Notable cases handled by the Civil Division included negotiating and drafting documents for the Racino development project, providing advice on site plan reviews for the Racino development project and the Flying J Truck Stop development, advising county commissioners and monitoring the bidding/contracting for the county courthouse addition project, and advising on future use of the Lebanon race track and fairgrounds.

In addition, the Delinquent Tax Collection Division collected over \$8.5 million in delinquent taxes and assessments on real property, manufactured and mobile homes, and personal property. Through the efforts of the Delinquent Tax Collection Division, the rate of delinquent taxes and assessments has fallen to approximately two percent.

Child Support Enforcement Division

The Child Support Division handled over 12,000 cases in 2013 and provided the full range of Child Support Enforcement Agency (CSEA) services, including collection and enforcement of support orders, establishment of paternity and child support orders, location of parents, and modification and termination of orders. In 2013, the Child Support Division collected over \$41.75 million. CSEA collections included nearly \$3.5 million to recoup public assistance money, and an additional \$6 million was collected for 2,200 lower-income working families in danger of going on cash assistance. The division also collected \$77,376.02 to reimburse IV-E foster care costs. The Warren County CSEA was again recognized by the Ohio Department of Job and Family Services in three performance categories: Best Performance for Collections on Current Support in the Large Caseload Division, Best Performance in Support Order Establishment in the Large Caseload Division, and Best Performance in Total Disbursements per Total Full-Time Equivalent in the Large Caseload Division. The agency continues to be one of the most cost-effective Child Support Enforcement Agencies in the State of Ohio, collecting \$13.62 per dollar spent and maintaining spending at levels 1.2% lower than those expended in 2011.

THANK YOU FOR ALLOWING US TO SERVE YOU.

For More Information, Please Visit:
www.warrencountyprosecutor.com

