



# THE OHIO PROSECUTOR

July 2023

## In This Issue

### At the Statehouse

- Top 10 Bills to Watch
- Notable Legislation

### The Supreme Court

- Merit Decisions of Interest
- Newly Accepted Criminal Cases
- Recent and Upcoming Oral Arguments
- Still Hanging Around
- Cases Awaiting Decision

### Amicus Request Guidelines

### OAG Opinions

### Member Outreach

### Friday Fun-day!

### OPAA Summer Training

### 2023 OPAA Officers

- Legislative and Executive Meeting Dates

### 2023 Training Dates

## Contact Us

[www.ohiopa.org](http://www.ohiopa.org)



## From your President...



Jane Hanlin  
OPAA President  
Jefferson County

Greetings!

Hope the summer finds you enjoying warm weather and, hopefully, some vacation time! Thanks to all of you who attended the summer training at Cedar Point and a giant nod of appreciation to Diana, Lou and Steve for all of their work to make the training a success.

We continue to engage with the legislature on many issues, including making Marsy's Law easier to follow, fighting for appropriate funding to implement Marsy's Law, and clarifying issues surrounding the laws on self-defense. We are also vigorously advocating to protect our work product with common sense revisions to the Public Records Act, as well as efforts to prevent Good Samaritan laws from being rendered completely ineffective. Finally, I want to applaud the work that Lou Tobin did in order to have former Criminal Rule 46 codified in such an expeditious manner.

Enjoy the remainder of your summer and I hope to see you in Cleveland in the Fall.

All the best,

Jane

## From your Executive Director...



Louis Tobin  
OPAA Executive  
Director

Prosecutors –

We are excited to be partnering again with the Pettit College of Law at Ohio Northern University to offer OPAA's second ever Trial Advocacy Bootcamp August 2<sup>nd</sup> through 4<sup>th</sup> at Ohio Northern. Sixteen assistant prosecutors from across the state have been selected to spend two days learning about trial strategy and tactics from some of Ohio's most seasoned prosecutors. They will spend a third day using what they've learned to mock try a case in front of one of our group of volunteer judges. We are very grateful to Ohio Northern, to our trainers, to our volunteer judges and witnesses, and to you and your assistant prosecutors for your interest in this program. While seating was limited by necessity, we hope to be able to make this one of our regular trainings so that this program is available to all who are interested. Check in on the OPAA Facebook page and Twitter for photos of our second class of Bootcampers.

At the Statehouse, I expect the Fall calendar to include debate on several issues important to prosecutors. Later on in the newsletter you will find a Top 10 bills to watch along with a list of other legislation that we are tracking and working on. In particular on these lists, I expect we'll be spending time on HB 230 regarding drug trafficking and human trafficking, SB 101 to repeal the death penalty, SB 100/HB 91 regarding tracking devices, and SB 127/HB 161 to repeal the spousal exception for sexual assaults.

Lou



## At the Statehouse

**Please contact Lou if you have any questions about a piece of legislation or the reason for our position.** Also, if you have any questions about the work of the legislature or the status of any legislation, please let us know! For a full list of legislation we are tracking [please visit our website](#).

### **135<sup>th</sup> General Assembly – Top 10 Bills to Watch**

1) House Bill 51 (Second Amendment Preservation Act). Prohibits Ohio law enforcement from working to enforce federal acts, laws, executive orders administrative orders, rules, regulations, statutes, or ordinances infringing on the right to keep and bear arms. Subjects the state or any political subdivision to liability by private cause of action if they violate the bill's provisions or employ someone who previously acted as a federal official, agent, employee, or deputy who knowingly enforced, attempted to enforce, or gave material aid or support to others in an attempt to enforce any infringement after the bill's effective date. OPAA Position – Opposed.

2) Senate Bill 101 (Death Penalty Repeal). Repeals the death penalty. OPAA Position – Opposed.

3) House Bill 111 (Domestic Violence Penalties). Makes felony domestic violence a “high-tier” F3 subject to a sentencing range of 1 to 5 years rather than 9 to 36 months. OPAA Position – Support.

4) House Bill 196 (Community Control Sanctions). Makes changes to the maximum period of community control for misdemeanors, F5 and F4 offenses (2 years) and F3 offenses (3 years). Specifies that for a “technical violation of community control, the court may impose a more restrictive non-residential sanction or impose a “temporary incarceration sanction” that for a first technical violation shall not be more than 15 days, for a second technical violation shall not be more than 30 days for a third technical violation shall not be more than 45 days for a fourth or subsequent technical violation may include any sanction

authorized in 2929.15(B)(1)(a) to (c). Finally, the bill amends the definition of technical violation to apply to all felonies rather than only F5s and non-violent/non-sex offense F4s. OPAA Position – Opposed.

5) House Bill 221 (Post-Conviction Relief). Expands eligibility for post-conviction relief based on “qualifying DNA testing” defined as testing performed under sections 2953.71 to 2953.81 or “DNA testing that was performed at the request or on behalf of the petitioner other than as described in division or at the request or on behalf of the state or any government entity.” The bill also expands who may file a late or second or successive petition for post-conviction relief. OPAA Position – Opposed.

6) House Bill 230 (Drug Trafficking/Organized Trafficking of Person). Increases penalties for trafficking cocaine, heroin, fentanyl, and methamphetamine. Creates a 5-year sentencing specification for involuntary manslaughter related to a fentanyl overdose death. Removes provisions from the drug possession law related to Schedule III, IV, and V drugs mixed with fentanyl. Creates the offense of offense of organized trafficking in persons. OPAA Position – Support.

7) House Bill 233 (Self-Defense). Creates a procedure for a person who is accused of an offense that involved the person's alleged use of self-defense to file a pretrial motion asserting self-defense. If granted, the bill provides that there is a rebuttable presumption that the accused person acted in self-defense. If the motion is denied, the person may still assert self-defense at trial. OPAA Position – Under review.

8) Senate Bill 26 (OVI Law – Marijuana). Changes the law regarding per se OVI for marijuana. The bill requires at least five nanograms of Delta-9 THC per milliliter of the person's blood for per se OVI. It creates an inference that the person is under the influence of marijuana if they have at least twenty-five nanograms of Delta-9 THC per milliliter of urine or at least two, but less than five, nanograms of Delta-9 THC per milliliter of blood. OPAA Position – Opposed.

9) House Bill 91/Senate Bill 100 (Tracking Devices). While not identical, these bills both prohibit a person from using a tracking device or application to track the position or movement of another person without the other person's consent. A violation is a misdemeanor of the first degree for a first offense. The penalty is enhanced to a felony of the fourth degree for any subsequent violation and under other specified circumstances similar to those in the menacing by stalking statute. OPAA Position – Support.

10) Senate Bill 127/House Bill 161 (Eliminate Spousal Exception for Sexual Assaults). Eliminates the spousal exceptions for the offenses of rape, sexual battery, unlawful sexual conduct with a minor, gross sexual imposition, and importuning and permits a person to testify against the person's spouse in a prosecution for one of these offenses. OPAA Position – Monitor.

## Notable House Legislation

- HB20 OHIO COMPUTER CRIMES ACT (SWEARINGEN D)** To enact the Ohio Computer Crimes Act.  
**Current** 3/28/2023 - **BILL AMENDED**, House  
**Status:** Criminal Justice, (Fourth Hearing)  
**Position:** Support  
**State Bill Page:** <https://www.legislature.ohio.gov/legislation/legislation-summary?id=GA135-HB-20>
- HB33 FY24-25 OPERATING BUDGET (EDWARDS J)** To make operating appropriations for the biennium beginning July 1, 2023, and ending June 30, 2025, to levy taxes, and to provide authorization and conditions for the operation of state programs.  
**Current** 7/3/2023 - **SIGNED BY GOVERNOR**;  
**Status:** eff. immediately  
**Position:** Amend  
**State Bill Page:** <https://www.legislature.ohio.gov/legislation/legislation-summary?id=GA135-HB-33>
- HB34 JURY DUTY - BREAST-FEEDING EXCEPTION (KLOPFENSTEIN R, KING A)** To permit a prospective juror who is a mother who is breast-feeding to be excused from jury service.  
**Current** 6/27/2023 - **PASSED BY HOUSE**; Vote  
**Status:** 95-0  
**Position:** Monitor  
**State Bill Page:** <https://www.legislature.ohio.gov/legislation/legislation-summary?id=GA135-HB-34>
- HB35 ELIMINATE LIMITATIONS PERIOD - CHILD SEXUAL ABUSE (SEITZ B, MIRANDA J)** To enact the Scout's Honor Law to eliminate the limitations period for a civil action based on a claim of childhood sexual abuse only for purposes of filing claims against a bankruptcy estate of an organization chartered under federal law; to provide with respect to sex offenders and childvictim offenders who committed their offense prior to January 1, 2008, mechanisms for reclassifying or classifying the offenders in specified circumstances under the SORN Law in effect prior to that date; and to subsequently amend section 2305.111 of the Revised Code five years after the effective date of that section to remove the described elimination of the limitations period.  
**Current** 6/21/2023 - Senate Judiciary, (First Hearing)  
**Status:**  
**Position:** Support

**State Bill Page:** <https://www.legislature.ohio.gov/legislation/legislation-summary?id=GA135-HB-35>

- HB37 INCREASE OVI FINANCIAL PENALTIES (JOHNSON M, MILLER K)** To increase the financial penalties for OVI and to increase the financial penalties and prison term for aggravated vehicular homicide under specified circumstances.  
**Current** 3/21/2023 - House Criminal Justice,  
**Status:** (Second Hearing)  
**Position:** Support  
**State Bill Page:** <https://www.legislature.ohio.gov/legislation/legislation-summary?id=GA135-HB-37>
- HB44 RECORD PAROLE BOARD HEARINGS (HUMPHREY L, STEWART B)** To require electronic recordings to be made of all parole board hearings, excluding certain personal identifying information, and to make those electronic recordings "public records" under the Public Records Law.  
**Current** 6/13/2023 - **BILL AMENDED**,  
**Status:** House Criminal Justice, (Fourth Hearing)  
**Position:** Support  
**State Bill Page:** <https://www.legislature.ohio.gov/legislation/legislation-summary?id=GA135-HB-44>
- HB50 HOUSING QUALIFICATION (HUMPHREY L, SEITZ B)** To create a mechanism by which an individual who is subject to a collateral sanction for housing may obtain a certificate of qualification for housing that may provide relief from certain bars on housing.  
**Current** 5/31/2023 - Referred to Committee  
**Status:** Senate Community Revitalization  
**Position:** Monitor  
**State Bill Page:** <https://www.legislature.ohio.gov/legislation/legislation-summary?id=GA135-HB-50>
- HB51 SECOND AMENDMENT PRESERVATION (LOYCHIK M, SCHMIDT J)** To enact the Second Amendment Preservation Act to add additional protections to the right to bear arms, to remove federal firearms law references from the state firearms control law, and to declare an emergency.  
**Current** 5/23/2023 - House Government  
**Status:** Oversight, (Fourth Hearing)  
**Position:** Oppose  
**State Bill Page:** <https://www.legislature.ohio.gov/legislation/legislation-summary?id=GA135-HB-51>

<p><b>HB56 POLICE PURSUIT, FLEEING PENALTIES</b> (PLUMMER P, WHITE A) To increase penalties for fleeing from law enforcement, to require law enforcement entities to have a policy governing the pursuit of a motor vehicle, and to prohibit hooning and being a spectator at a hooning event.</p> <p><b>Current</b> 3/28/2023 - House Criminal Justice, (Second Hearing)  <b>Status:</b> Hearing)  <b>Position:</b> Amend  <b>State Bill</b> <a href="https://www.legislature.ohio.gov/legislation/legislation-summary?id=GA135-HB-56">https://www.legislature.ohio.gov/legislation/legislation-summary?id=GA135-HB-56</a>  <b>Page:</b></p>	<p><b>Position:</b> Monitor  <b>State Bill</b> <a href="https://www.legislature.ohio.gov/legislation/legislation-summary?id=GA135-HB-84">https://www.legislature.ohio.gov/legislation/legislation-summary?id=GA135-HB-84</a>  <b>Page:</b></p>
<p><b>HB67 PENALTY REDUCTIONS DUE TO CHANGES IN LAW</b> (SEITZ B, WILLIAMS J) To provide that if a penalty for an offense has been imposed on an offender and if the penalty for that offense is subsequently reduced by a change to the Revised Code or Constitution, the penalty previously imposed on the offender may be reduced.</p> <p><b>Current</b> 2/28/2023 - Referred to Committee House Criminal Justice  <b>Status:</b> Criminal Justice  <b>Position:</b> Oppose  <b>State Bill</b> <a href="https://www.legislature.ohio.gov/legislation/legislation-summary?id=GA135-HB-67">https://www.legislature.ohio.gov/legislation/legislation-summary?id=GA135-HB-67</a>  <b>Page:</b></p>	<p><b>HB91 PROHIBIT TRACKING DEVICES WITHOUT CONSENT</b> (PATTON T) To generally prohibit a person from knowingly installing a tracking device or application on another person's property without the other person's consent.</p> <p><b>Current</b> 6/13/2023 - <b>BILL AMENDED</b>, House Criminal Justice, (Third Hearing)  <b>Status:</b> House Criminal Justice, (Third Hearing)  <b>Position:</b> Support  <b>State Bill</b> <a href="https://www.legislature.ohio.gov/legislation/legislation-summary?id=GA135-HB-91">https://www.legislature.ohio.gov/legislation/legislation-summary?id=GA135-HB-91</a>  <b>Page:</b></p>
<p><b>HB77 DRONE LAWS</b> (WILLIS B) To establish requirements and prohibitions governing the operation of unmanned aerial vehicles in Ohio.</p> <p><b>Current</b> 5/9/2023 - House Aviation and Aerospace, (First Hearing)  <b>Status:</b> (First Hearing)  <b>Position:</b> Support  <b>State Bill</b> <a href="https://www.legislature.ohio.gov/legislation/legislation-summary?id=GA135-HB-77">https://www.legislature.ohio.gov/legislation/legislation-summary?id=GA135-HB-77</a>  <b>Page:</b></p>	<p><b>HB101 VILLAGE DISSOLUTION</b> (BIRD A, SCHMIDT J) To modify the law regarding village dissolution.</p> <p><b>Current</b> 6/28/2023 - Senate Local Government, (First Hearing)  <b>Status:</b> (First Hearing)  <b>Position:</b> Monitor  <b>State Bill</b> <a href="https://www.legislature.ohio.gov/legislation/legislation-summary?id=GA135-HB-101">https://www.legislature.ohio.gov/legislation/legislation-summary?id=GA135-HB-101</a>  <b>Page:</b></p>
<p><b>HB83 REMOVE PENALTIES - DRUG PARAPHERNALIA</b> (HUMPHREY L) To remove criminal penalties for the use and possession of drug paraphernalia and drug abuse instruments.</p> <p><b>Current</b> 2/28/2023 - Referred to Committee House Criminal Justice  <b>Status:</b> Criminal Justice  <b>Position:</b> Oppose  <b>State Bill</b> <a href="https://www.legislature.ohio.gov/legislation/legislation-summary?id=GA135-HB-83">https://www.legislature.ohio.gov/legislation/legislation-summary?id=GA135-HB-83</a>  <b>Page:</b></p>	<p><b>HB110 CATALYTIC CONVERTERS</b> (YOUNG B, ROEMER B) Regarding the sale of used catalytic converters, and to make an appropriation.</p> <p><b>Current</b> 5/2/2023 - House Criminal Justice, (Third Hearing)  <b>Status:</b> (Third Hearing)  <b>Position:</b> Support  <b>State Bill</b> <a href="https://www.legislature.ohio.gov/legislation/legislation-summary?id=GA135-HB-110">https://www.legislature.ohio.gov/legislation/legislation-summary?id=GA135-HB-110</a>  <b>Page:</b></p>
<p><b>HB84 LOWER AGE - POLICE OFFICERS</b> (DEMETRIOUS, WILLIAMS J) To lower the minimum age for an original appointment as a police officer from twenty-one to eighteen years of age.</p> <p><b>Current</b> 3/29/2023 - House Homeland Security, (Third Hearing)  <b>Status:</b> (Third Hearing)</p>	<p><b>HB111 DOMESTIC VIOLENCE PENALTIES</b> (LARE J, MILLER K) To increase the sentencing range for third degree felony domestic violence and to create a presumption in favor of a prison term for the offense.</p> <p><b>Current</b> 6/20/2023 - House Criminal Justice, (Third Hearing)  <b>Status:</b> (Third Hearing)  <b>Position:</b> Support  <b>State Bill</b> <a href="https://www.legislature.ohio.gov/legislation/legislation-summary?id=GA135-HB-111">https://www.legislature.ohio.gov/legislation/legislation-summary?id=GA135-HB-111</a>  <b>Page:</b></p>
	<p><b>HB122 EXPAND INTIMIDATION OFFENSES</b> (PAVLIGA G, MILLER A) To expand intimidation offenses to include guardians ad litem and court-appointed special advocates and to designate May 1st as "Court-Appointed Special Advocates Appreciation Day."</p>

<p><b>Current</b> 6/21/2023 - <b>PASSED BY HOUSE</b>; Vote  <b>Status:</b> 64-28  <b>State Bill</b> <a href="https://www.legislature.ohio.gov/legislation/legislation-summary?id=GA135-HB-122">https://www.legislature.ohio.gov/legislation/legislation-summary?id=GA135-HB-122</a>  <b>Page:</b></p>	<p><b>Current</b> 4/18/2023 - Referred to Committee  <b>Status:</b> House Aviation and Aerospace  <b>Position:</b> Oppose  <b>State Bill</b> <a href="https://www.legislature.ohio.gov/legislation/legislation-summary?id=GA135-HB-149">https://www.legislature.ohio.gov/legislation/legislation-summary?id=GA135-HB-149</a>  <b>Page:</b></p>
<p><b>HB124 ELIMINATE LIMITATIONS PERIOD - RAPE</b>  (GALONSKI T, MIRANDA J) To eliminate the period of limitation for the criminal prosecution of a person for rape and for a civil action brought by a victim of conduct that would constitute rape and to extend the period of limitation for a civil action by a victim of childhood sexual abuse other than rape.  <b>Current</b> 3/28/2023 - Referred to Committee House  <b>Status:</b> Criminal Justice  <b>Position:</b> Support  <b>State Bill</b> <a href="https://www.legislature.ohio.gov/legislation/legislation-summary?id=GA135-HB-124">https://www.legislature.ohio.gov/legislation/legislation-summary?id=GA135-HB-124</a>  <b>Page:</b></p>	<p><b>HB161 ELIMINATE SPOUSAL EXCEPTION FOR SEXUAL ASSAULT</b> (MIRANDA J, HILLYER B) To eliminate the spousal exceptions for the offenses of rape, sexual battery, unlawful sexual conduct with a minor, gross sexual imposition, sexual imposition, and importuning and to permit a person to testify against the person's spouse in a prosecution for any of those offenses.  <b>Current</b> 6/20/2023 - House Criminal Justice,  <b>Status:</b> (Fourth Hearing)  <b>Position:</b> Monitor  <b>State Bill</b> <a href="https://www.legislature.ohio.gov/legislation/legislation-summary?id=GA135-HB-161">https://www.legislature.ohio.gov/legislation/legislation-summary?id=GA135-HB-161</a>  <b>Page:</b></p>
<p><b>HB139 INCREASE PENALTIES FOR ASSAULT OF SPORTS OFFICIAL</b> (ROEMER B, MILLER J) To increase the penalties for assault if the victim is acting as a sports official or the assault is committed in retaliation for the victim's actions as a sports official.  <b>Current</b> 6/13/2023 - House Criminal Justice, (Second  <b>Status:</b> Hearing)  <b>Position:</b> Oppose  <b>State Bill</b> <a href="https://www.legislature.ohio.gov/legislation/legislation-summary?id=GA135-HB-139">https://www.legislature.ohio.gov/legislation/legislation-summary?id=GA135-HB-139</a>  <b>Page:</b></p>	<p><b>HB168 OHIO ADULT USE ACT</b> (CALLENDER J, WEINSTEIN C) To enact the Ohio Adult Use Act and to levy a tax.  <b>Current</b> 5/23/2023 - Referred to Committee  <b>Status:</b> House Finance  <b>Position:</b> Oppose  <b>State Bill</b> <a href="https://www.legislature.ohio.gov/legislation/legislation-summary?id=GA135-HB-168">https://www.legislature.ohio.gov/legislation/legislation-summary?id=GA135-HB-168</a>  <b>Page:</b></p>
<p><b>HB140 PASSING SCHOOL BUS</b> (BROWN R) To make changes to the law governing passing a school bus.  <b>Current</b> 4/18/2023 - Referred to Committee House  <b>Status:</b> Transportation  <b>Position:</b> Monitor  <b>State Bill</b> <a href="https://www.legislature.ohio.gov/legislation/legislation-summary?id=GA135-HB-140">https://www.legislature.ohio.gov/legislation/legislation-summary?id=GA135-HB-140</a>  <b>Page:</b></p>	<p><b>HB175 REQUIRE SECURE STORAGE OF FIREARMS</b>  (MIRANDA J, BREWER D) To require secure storage of firearms, to authorize an income tax credit for the purchase of firearm storage and locking devices, to name this act the Keep Every Home Safe Act, and to make an appropriation.  <b>Current</b> 6/6/2023 - House Government  <b>Status:</b> Oversight, (First Hearing)  <b>Position:</b> Oppose  <b>State Bill</b> <a href="https://www.legislature.ohio.gov/legislation/legislation-summary?id=GA135-HB-175">https://www.legislature.ohio.gov/legislation/legislation-summary?id=GA135-HB-175</a>  <b>Page:</b></p>
<p><b>HB148 CRIMINAL CHILD ENTICEMENT</b> (DELL'AQUILA R) To require that a person act with a sexual motivation to commit the offense of criminal child enticement.  <b>Current</b> 4/18/2023 - Referred to Committee House  <b>Status:</b> Criminal Justice  <b>Position:</b> Monitor  <b>State Bill</b> <a href="https://www.legislature.ohio.gov/legislation/legislation-summary?id=GA135-HB-148">https://www.legislature.ohio.gov/legislation/legislation-summary?id=GA135-HB-148</a>  <b>Page:</b></p>	<p><b>HB191 BAIL</b> (SWEARINGEN D, SEITZ B) To make changes regarding bail and to declare an emergency.  <b>Current</b> 6/30/2023 - <b>SIGNED BY</b>  <b>Status:</b> <b>GOVERNOR</b>; eff. immediately  <b>Position:</b> Support  <b>State Bill</b> <a href="https://www.legislature.ohio.gov/legislation/legislation-summary?id=GA135-HB-191">https://www.legislature.ohio.gov/legislation/legislation-summary?id=GA135-HB-191</a>  <b>Page:</b></p>
<p><b>HB149 DRONE REQUIREMENTS</b> (WILLIS B) To establish requirements related to the use of an uncrewed aerial vehicle for surveillance.</p>	

**HB196 COMMUNITY CONTROL SANCTIONS**

(WILLIAMS J, SEITZ B) To change the maximum periods of community control sanctions authorized for felonies and misdemeanors and to modify the confinement sanctions authorized for a technical violation of community control sanction conditions.

**Current** 6/7/2023 - Referred to Committee House  
**Status:** Criminal Justice  
**Position:** Oppose  
**State Bill** <https://www.legislature.ohio.gov/legislation/legislation-summary?id=GA135-HB-196>  
**Page:**

**HB212 PROHIBIT FOREIGN ADVERSARIES FROM OWNING REAL PROPERTY**

(KING A, KLOPFENSTEIN R) To prohibit foreign adversaries and certain businesses from owning real property in Ohio and to name this act the Ohio Property Protection Act.

**Current** 6/20/2023 - Referred to Committee House  
**Status:** Civil Justice  
**Position:** Amend  
**State Bill** <https://www.legislature.ohio.gov/legislation/legislation-summary?id=GA135-HB-212>  
**Page:**

**HB221 EXPAND POSTCONVICTION RELIEF**

(SCHMIDT J, UPCHURCH T) To expand the availability of postconviction relief based on DNA testing showing actual innocence.

**Current** 6/26/2023 - Referred to Committee House  
**Status:** Criminal Justice  
**Position:** Oppose  
**State Bill** <https://www.legislature.ohio.gov/legislation/legislation-summary?id=GA135-HB-221>  
**Page:**

**HB230 DRUG TRAFFICKING, ORGANIZED TRAFFICKING OF PERSONS**

(ABRAMS C, SWEARINGEN D) To increase penalties for drug trafficking above certain amounts and to prohibit organized trafficking of persons.

**Current** 6/27/2023 - Introduced  
**Status:**  
**Position:** Support  
**State Bill** <https://www.legislature.ohio.gov/legislation/legislation-summary?id=GA135-HB-230>  
**Page:**

**HB233 SELF-DEFENSE PROTECTION ACT**

(WILLIAMS J, HILLYER B) To enact the Self-Defense Protection Act to create a pretrial procedure for a person asserting self-defense, defense of another, or defense of that person's property.

**Current** 6/29/2023 - Introduced  
**Status:**

**State Bill** <https://www.legislature.ohio.gov/legislation/legislation-summary?id=GA135-HB-233>  
**Page:**

**HB234 GENUINE REMORSE COURT CONSIDERATIONS**

(WILLIAMS J, ROGERS E) To prohibit a court imposing a sentence on an offender for a felony or misdemeanor from considering whether the offender who entered an Alford plea shows genuine remorse for the offense.

**Current** 6/30/2023 - Introduced  
**Status:**  
**State Bill** <https://www.legislature.ohio.gov/legislation/legislation-summary?id=GA135-HB-234>  
**Page:**

**HB245 ADULT CABARET PERFORMANCES**

(KING A, WILLIAMS J) To prohibit adult cabaret performances in locations other than adult cabarets.

**Current** 7/17/2023 - Introduced  
**Status:**  
**State Bill** <https://www.legislature.ohio.gov/legislation/legislation-summary?id=GA135-HB-245>  
**Page:**

**HJR2 PROHIBIT SLAVERY AS PUNISHMENT FOR CRIME**

(JARRELLS D, PLUMMER P) Proposing to amend Section 6 of Article I of the Constitution of the State of Ohio to prohibit slavery or involuntary servitude in Ohio for the punishment of crime.

**Current** 6/7/2023 - Referred to Committee House Constitutional Resolutions  
**Status:**  
**Position:** Amend  
**State Bill** <https://www.legislature.ohio.gov/legislation/legislation-summary?id=GA135-HJR-2>  
**Page:**

**Notable Senate Legislation****SB9 LAW CHANGES-MEDICAL MARIJUANA**

(HUFFMAN S, SCHURING K) To amend the law related to medical marijuana.

**Current** 5/16/2023 - Senate General Government, (Seventh Hearing)  
**Status:**  
**Position:** Oppose  
**State Bill** <https://www.legislature.ohio.gov/legislation/legislation-summary?id=GA135-SB-9>  
**Page:**

**SB26 MARIJUANA-VEHICLE, WATERCRAFT USE**  
(MANNING N) To change the laws pertaining to operating a vehicle or watercraft while under the influence of marihuana and the admissibility of evidence for purposes of OVI statutes.

**Current** 5/9/2023 - **SUBSTITUTE BILL**  
**Status:** **ACCEPTED**, Senate Judiciary, (Third Hearing)

**Position:** Oppose

**State Bill Page:** <https://www.legislature.ohio.gov/legislation/legislation-summary?id=GA135-SB-26>

**SB37 DRIVER'S LICENSE SUSPENSION CHANGES**  
(BLESSING III L, INGRAM C) To make changes to the laws governing driver's license suspensions for certain drug offenses and failure to pay child support and to the laws governing penalties for failure to provide proof of financial responsibility.

**Current** 2/22/2023 - Senate Judiciary, (Second Hearing)

**Position:** Oppose

**State Bill Page:** <https://www.legislature.ohio.gov/legislation/legislation-summary?id=GA135-SB-37>

**SB51 SOS-ELECTION INTEGRITY DIVISION**  
(GAVARONE T) To establish the Election Integrity Division in the Office of the Secretary of State.

**Current** 5/16/2023 - Senate General Government, (Second Hearing)

**Position:** Oppose

**State Bill Page:** <https://www.legislature.ohio.gov/legislation/legislation-summary?id=GA135-SB-51>

**SB88 AGGRAVATED MENACING EXPANSION-UTILITIES** (SMITH K, CIRINO J) To expand the offense of aggravated menacing to prohibit threatening a utility worker, cable operator worker, or broadband worker with intent to obstruct the operation of a utility.

**Current** 5/9/2023 - Senate Judiciary, (Second Hearing)

**Position:** Oppose

**State Bill Page:** <https://www.legislature.ohio.gov/legislation/legislation-summary?id=GA135-SB-88>

**SB91 PUBLIC FUNDS ABUSE, WASTE** (SCHAFER T) Regarding fraud, waste, and abuse of public funds.

**Current** 6/28/2023 - **PASSED BY SENATE;**

**Status:** Vote 32-0

**Position:** Oppose

**State Bill Page:** <https://www.legislature.ohio.gov/legislation/legislation-summary?id=GA135-SB-91>

**SB100 TRACKING DEVICE PROHIBITIONS**  
(MANNING N, ANTONIO N) To generally prohibit a person from knowingly installing a tracking device or application on another person's property without the other person's consent or failing to remove or ensure removal of such a device or application from another person's property if the other person gave consent and subsequently revokes it.

**Current** 6/20/2023 - Referred to Committee

**Status:** House Criminal Justice

**Position:** Amend

**State Bill Page:** <https://www.legislature.ohio.gov/legislation/legislation-summary?id=GA135-SB-100>

**SB101 DEATH PENALTY ABOLITION, JURY SELECTION** (ANTONIO N, HUFFMAN S) To abolish the death penalty and to modify the number of jurors that may be challenged in cases where a defendant may be sentenced to life imprisonment.

**Current** 5/9/2023 - Senate Judiciary, (First

**Status:** Hearing)

**Position:** Oppose

**State Bill Page:** <https://www.legislature.ohio.gov/legislation/legislation-summary?id=GA135-SB-101>

**SB109 SEX OFFENSES, MEDICAL PROFESSIONALS**  
(HACKETT R) Regarding sex offenses and individuals regulated by the State Medical Board and to amend the version of section 4759.05 of the Revised Code that is scheduled to take effect December 29, 2023, to continue the change on and after that date.

**Current** 4/26/2023 - Senate Judiciary, (First

**Status:** Hearing)

**Position:** Amend

**State Bill Page:** <https://www.legislature.ohio.gov/legislation/legislation-summary?id=GA135-SB-109>



**SB122 LAW CHANGES - BAIL** (MANNING N, HICKS-HUDSON P) To make changes regarding bail and to declare an emergency.

**Current Status:** 6/13/2023 - **REPORTED OUT,** House Criminal Justice, (First Hearing)

**Position:** Support

**State Bill Page:** <https://www.legislature.ohio.gov/legislation/legislation-summary?id=GA135-SB-122>

**SB127 ELIMINATE SPOUSAL EXCEPTIONS-SEXUAL OFFENSES** (KUNZE S, MANNING N) To eliminate the spousal exceptions for the offenses of rape, sexual battery, unlawful sexual conduct with a minor, gross sexual imposition, sexual imposition, and importuning and to permit a person to testify against the person's spouse in a prosecution for any of those offenses.

**Current Status:** 6/7/2023 - Referred to Committee Senate Judiciary

**Position:** Monitor

**State Bill Page:** <https://www.legislature.ohio.gov/legislation/legislation-summary?id=GA135-SB-127>

actionTRACK - Hannah News Service, Inc.



## The Ohio Supreme Court

*Steve Taylor, OPAA*

### Merit Decisions of Interest Since 5/1/23

*State v. Hacker*, \_\_\_ Ohio St.3d \_\_\_, 2023-Ohio-2535. The Court (5-2)

upheld the Reagan Tokes Act against facial constitutional challenges on separation-of-powers, due process, and jury-trial-right grounds. (Decided 7-26-23; Logan County)

*Olmsted Twp. v. Ritchie*, \_\_\_ Ohio St.3d \_\_\_, 2023-Ohio-2516. The Court (5-2) concluded that R.C. 2929.25(D)(4) allows a court sentencing on a first-degree misdemeanor to impose a jail term as part of the original sentence and to impose a community-control sanction at the same time. If the defendant violates community control, the court can impose an additional jail term for the violation, provided that the total of the jail terms does not exceed the total maximum sentence available for the first-degree misdemeanor of 180 days. (Decided 7-25-23; Olmsted Twp. certified-conflict appeal; Cuyahoga County)

*State v. Stalder*, \_\_\_ Ohio St.3d \_\_\_, 2023-Ohio-2359. The Court (4-3) reiterated the three-step test for *Batson* objections to the use of peremptory strikes, and it focused on the first step – the need for the opponent of the peremptory strike to make a prima facie showing of racial or gender discrimination. The bare assertion of discrimination is

insufficient to make a prima facie showing. (Decided 7-13-23; City of Lancaster appeal; Fairfield County)

*State ex rel. Garcia v. Baldwin*, \_\_\_ Ohio St.3d \_\_\_, 2023-Ohio-1636. The Court (7-0) affirmed the denial of state habeas relief. The Court agreed that the bond surrender meant that the original bond order was no longer in effect but that the defendant could then seek another bond order that would potentially allow his release. Habeas relief was nevertheless inappropriate because the defendant had an adequate remedy at law via an appeal under R.C. 2937.222. (Decided 5/18/23; Franklin County) Readers should note that the *Garcia* Court's interpretation of Crim.R. 46(A) has now been superseded by the repeal of Crim.R. 46 (eff. 7-1-23) and by the adoption of R.C. 2937.011(A) (eff. 6-30-23), which allows the defendant to be "detained pursuant to section 2937.222 of the Revised Code *or other applicable law*". (Emphasis added)

*State v. Bertram*, \_\_\_ Ohio St.3d \_\_\_, 2023-Ohio-1456. The Court (7-0) reversed the defendant's conviction for burglary related to entering the victim's open garage and stealing a leaf blower, all of which occurred in the known presence and plain view of the victim who was watching. The Court concluded that there was insufficient evidence of the element of "force, stealth, or deception" in relation to the defendant's entry into the garage. (Decided 5-3-23; Scioto County)

#### **Newly-Accepted Criminal Law Cases Since 5/1/23**

23-572 *State v. Jones* (1) Whether a reviewing court on appeal is limited to the evidence admitted into the record by the trial court; (2) Whether a court of appeals is obligated to follow the standard of review for ineffective assistance of counsel claims set forth in *Strickland v. Washington* or can apply its own lower standard; (3) Whether the "inevitable discovery" doctrine requires officers to have taken steps toward obtaining a search warrant when the officers had a good faith belief that a valid exception to the warrant requirement authorized the search and negated the need to obtain a warrant; (4) Whether an appellate court is authorized to remand a case with orders that defendant file a motion to suppress and that orders specific issues be raised, while leaving his trial and conviction intact. (State's appeal; Hamilton County)

23-480 *State v. Maldonado* Whether a court of appeals may engage in en banc consideration of a case before a decision

has been released by a three-judge panel of the court. (Cuyahoga County)

23-539 *State v. Macklin* (1) Whether the jurisdiction referenced in R.C. 2151.23(H) implicates jurisdiction over the case, not subject-matter jurisdiction; (2) Whether R.C. 2151.23(H) as interpreted in *State v. Burns*, 2022-Ohio-4606, authorizes a grand jury to indict a defendant of conspiracy and for a court to accept a verdict for a conspiracy offense "rooted in" the offense that was the basis of the transfer; (3) Whether R.C. 2151.23(H) as interpreted in *Burns* authorizes a grand jury to indict a defendant of any homicide offense and for a court to accept a verdict for any homicide offense "rooted in" the murder offense that was the basis of the transfer. (State's appeal; Cuyahoga County)

23-621 *State v. Hale* Whether the seizure of an individual who was recently a passenger in a car already parked when law-enforcement personnel approached it, and the subsequent warrantless seizure and search of their purse, violated the Fourth Amendment. (Licking County)

23-393 *State v. Dudas* Whether a post-conviction petition is timely under R.C. 2953.21(A)(2)(a) if it is filed within 365 days after the filing of the trial transcript in the defendant's delayed appeal. (Cuyahoga County)

23-213. *State v. Grad* (1) Whether a defendant need only present prima facie evidence of newly discovered scientific evidence to obtain a hearing on a motion for leave to file a motion for a new trial; (2) Whether scientific discoveries postdating trial may constitute newly discovered evidence even if the basis for those scientific discoveries were generally known or available at the time of trial. (Medina County)

23-294 *State v. Sheckles* (1) Whether the burden of showing testimony ought to be excluded under a claimed privilege should be on the party seeking to exclude the testimony when the claimed privilege involves whether a former federal employee can testify under a federal regulation; (2) whether the federal regulations require that the former federal employee produce written authorization to the court and defense counsel from the federal Department of Justice for the former federal employee to testify; (3) whether a trial court should definitively exclude evidence at a pretrial motion in limine even though a ruling on a motion in limine is meant to be only a tentative ruling that anticipates the court's potential ruling at trial. (State's appeal; Hamilton County)

23-356 *State v. Fork* Whether the definition of “motor vehicle” as it applies to aggravated vehicular assault under R.C. 2903.08(A)(1)(a) is the definition found in R.C. 4511.01, as opposed to the definition in R.C. 4501.01, in relation to the Polaris all-terrain vehicle that was being used as transportation at the time of the incident. (State’s appeal; Sandusky County)

### **Recent and Upcoming Oral Arguments**

22-987 *State v. Palmer* Whether the “tends to support” standard for shifting the burden of proof on self-defense and for instructing on that defense allows the trial court to invade the province of the jury by weighing conflicting evidence. (Clermont County) (Argument on 6-27-23)

22-993 *In re E.S.* Whether circumstantial evidence is entitled to the same weight as direct evidence in a juvenile bindover proceeding in determining whether there is probable cause, and whether the evidence and inferences must be examined by the appellate court in a light most favorable to the prosecution. (State’s appeal; Cuyahoga County) (Argument on 6-27-23)

22-1037 *State v. Hurt* (1) Whether S.B. 175’s elimination of the duty to retreat for self-defense applies to all trials held after the effective date of the act regardless of the date of offense; (2) Whether the right to be acquitted of a criminal offense based on self-defense extends to offenses charged where the indicted conduct is a result of transferred intent of an individual acting in self-defense; (3) when a defendant proves mitigating elements to a jury at trial leading to a conviction of an inferior offense, whether double jeopardy and collateral estoppel require that the mitigating element finding be effective at a retrial precluding the defendant from having to prove the elements again. (Cuyahoga County) (Argument on 6-27-23)

22-1203 *State v. Toran* (1) Whether the inventory search of the lawfully impounded vehicle was rendered constitutionally unreasonable by the State’s failure to introduce the actual written policy into evidence or by the deputy’s failure to testify as to specific details of the policy at the suppression hearing; (2) Whether application of the exclusionary rule is barred by the good faith and lawful conduct of the deputy. (State’s appeal; Hamilton County) (Argument on 6-28-23)

22-1182 *State v. Brown* (1) Whether an individual is a victim of robbery under R.C. 2911.02(A)(2) when that individual is the owner of what is stolen, is the offender’s intended target,

and is also in close proximity to the gun brandished by the offender as the property is taken; (2) Whether a *Brady* violation occurs when a witness confirms the suspect’s identification via social media and such evidence is available at trial. (State’s appeal; Hamilton County) (Argument on 9-12-23)

22-1290 *State v. Beatty* Whether the additional firearm terms above the minimum of two firearm terms authorized by R.C. 2929.14(B)(1)(g) are “discretionary” terms that avoid the requirement in R.C. 2929.14(C)(1)(a) that all mandatory firearm terms must be served consecutively. (Clermont County) (Argument on 9-13-23)

22-1069 *State v. Taylor* (1) Whether *State v. Smith*, 167 Ohio St.3d 423, 2022-Ohio-274, prohibits complicity-based mandatory bindovers on category-one offenses; (2) Whether R.C. 2151.23(H) authorizes an adult court to convict a defendant of any offense “rooted in” the offense that was the basis of the transfer, unless the conviction is for an offense that was charged in juvenile court and found to be unsupported by probable cause; (3) Whether the jurisdiction referenced in R.C. 2151.23(H) implicates jurisdiction over the case, not subject-matter jurisdiction; (4) Whether the right to counsel in juvenile proceedings under either the Sixth Amendment or the Due Process Clause attaches not upon the State’s approval of charges, but rather upon the actual filing of the complaint; (5) Whether the right to counsel under either the Sixth Amendment or the Due Process Clause may be anticipatorily asserted prior to the filing of the juvenile complaint and may be waived without the advice of counsel. (State’s appeal; Franklin County) (Argument on 9-13-23)

### **Still Hanging Around**

*State v. Gynne*, \_\_\_ Ohio St.3d \_\_\_, 2022-Ohio-4607. This was decided on 12-23-23, with the Court (4-3) concluding that, in assessing the extent to which consecutive sentencing is “necessary” under R.C. 2929.14(C)(4), and in assessing whether consecutive sentencing is disproportionate thereunder, the trial court must consider the total length of the consecutive sentences that would be imposed. The majority also concluded that R.C. 2953.08(G)(2) calls for de novo review of the trial judge’s consecutive-sentence findings, but subject to the statute’s requirement that the appellant has the burden of clearly and convincingly showing that the trial court’s findings are not supported by the record. The State’s timely motion for reconsideration remains

pending, which creates hopeful signs that the original decision will be reconsidered. (Delaware County)

### **Keep an Eye Out for These Cases Awaiting Decision**

19-1787 *State v. Nicholson* Death penalty case, which includes the issue of whether the concepts of passion-rage and self-defense are mutually exclusive so that a jury instruction on both concepts is precluded. (Cuyahoga County) (Argument on 1-11-23)

22-121 *State v. Williams* Whether an incarcerated individual satisfies the “causes to be delivered” obligation in R.C. 2941.401 by making a written demand to the warden of the incarcerating institution. (Lorain County) (Argument on 2-7-23)

22-603 *State v. Daniel* Whether R.C. 2909.15(D)(2)(b) violates the separation of powers by allowing the trial court to reduce the defendant’s lifetime arson-registration duty to 10 years only upon the recommendation of the prosecutor and law enforcement agency. (Lucas County) (Argument on 3-21-23)

22-515 *State v. Tancak* Whether the court of appeals erred in failing to reverse the defendant’s guilty pleas on all counts when the trial court had erred in failing to advise the defendant that one of the eight counts could result mandatory consecutive sentencing. (Lorain County) (Argument on 4-4-23)

19-1323 *State v. Knuff* Death Penalty case (Cuyahoga County) (Argument on 5-2-23)

22-1082 *State v. Randolph* (1) Whether a rental property owner, or the owner’s agent (landlord or agent), can prohibit a person from entering onto the property such that a tenant of that property is prohibited from inviting that person to the tenant’s residence or apartment; (2) Whether a rental property owner, or an owner’s agent (landlord or agent), necessarily must sacrifice possessory interests in the property to a tenant so the tenant can invite a banned or “trespassed” person to the tenant’s residence or apartment. (City of Toledo) (Argument on 5-17-23)

### **Amicus Requests**

Those seeking amicus support from the Association should reference the Amicus Committee guidelines which can be found on our website at <http://www.ohiopa.org/amicus.pdf>

### **Ohio Attorney General Opinions**

provided by the Ohio Attorney General’s website at <https://www.ohioattorneygeneral.gov/Files/Legal/Opinions>

#### **2023-007**

*Requested by: Scioto County Prosecuting Attorney*

Subject to approval by the court of common pleas, the county sheriff is authorized to promulgate rules and policies to deny an arrestee admission to the county jail when the jail physician determines that off-site treatment is required as a matter of medical necessity, and the medical costs of an arrestee denied admission to the county jail are borne by the custodial law-enforcement agency. If an arrestee is denied admission to the county jail based on medical necessity, custody remains with the outside law-enforcement officer and that officer is responsible for transporting and guarding the arrestee at the off-site medical facility.

#### **2023-006**

*Requested by: Greene County Prosecuting Attorney*

The Ohio Civil Rights Commission cannot authoritatively interpret R.C. 4112.02(G), which does not prohibit operators of public accommodations from adopting policies that limit communal restrooms, changing rooms, and locker rooms to members of a single sex. Whether a restroom, changing room, or locker room that is open to the public and located in a facility owned by a governmental entity is considered a “public accommodation” under R.C. 4112.01(A)(9) for purposes of R.C. 4112.02(G) is a question of fact that must be determined by the courts. Political subdivisions and their employees can be liable for violations of R.C. 4112.02(G).

### **Community Outreach**

Steve Barnett, Carroll County

#### **Former sheriff's legacy continues**

The grandson of former Carroll County Sheriff Dale R. Williams is seeking a career in law. Reese Sutton, son of the former Tonya Williams and grandson of Mrs. Leona Williams, has spent a few days recently shadowing Carroll County Prosecuting Attorney Steven D. Barnett in preparation for his chosen field.

Reese says, "The effect that my grandfather had over my choice to go into the law career is transferring a strong sense of justice, law, and service to your community. All these elements were important to my grandpa, and I hope I'll be able to reflect them in my future law career."

He also said he is looking towards a career in law because of a mix of interest in the legal process, history, and American politics.



L-R Sheriff Calvin Graham, Reese Sutton, Prosecutor Barnett, Chief Assistant Prosecuting Attorney Mike Roth.

"The area of law I'm most attracted to is Constitutional Law, specifically The Rights and Liberties we hold. I'm interested in this area of law because it is the most important cornerstone of America and what makes the U.S. such a remarkable and special place. I hope to work in this field of law in the future to help ensure that these freedoms continue and are safe for all Americans," he added. Reese is a 2022 graduate of Canton Central Catholic High School, where he was a four-year member of the football team.

Reese is currently a sophomore at Miami University in Oxford, Ohio, where he is majoring in Political Science and Economics with a pre-law track. He also works at the Ohio FFA Camp Muskingum on Leesville Lake where he helps with maintenance and at Chipotle, both part-time jobs. Reese's parents are Tonya Mader, who works at the Cleveland Clinic as an X-Ray Technician, doing

mammograms and his dad, Jim Sutton, a Canton native, currently works at the Ohio FFA Camp Muskingum on Leesville Lake as the maintenance manager.

"There are a lot of different areas within the law and it's very important for an aspiring lawyer to gain practical experience and to explore these different areas to find an area of law they want to practice," said Carroll County Prosecuting Attorney Steven D. Barnett. "We are glad Reese was interested in public service and we were honored to have him. I have no doubt he will do well in his future endeavors," the Prosecutor added.

Barnett said Reese spent time in all three courts seeing how those different courts operated and the different types of cases they handled. "We also spent time answering Reese's questions about the legal system, law school, the work lawyers do, and what is not necessarily taught in law school. Reese was able to meet all the judges and other attorneys as well," Barnett said.

*OPAA would like to thank Prosecutor Barnett and the Free Press Standard for this story.*

### **Trumbull County Assistant Summits Kilimanjaro**

Trumbull County Assistant Prosecutor Chris Becker recently took on a different kind of challenge: a week-long hike to the top of Mt. Kilimanjaro in Tanzania.

"It was just a great feeling when you got to the top," Becker said.

Just two weeks ago, Becker was at the top of Mount Kilimanjaro.

"It's just awe-inspiring to be that high and be in a location that you know you had to work at it physically and mentally to get there," he said.

Becker was part of a group of nine people, seven of whom were from the U.S., to successfully climb 19,340 feet to the top of the tallest free-standing mountain in the world. A challenge he decided to take on to mark his 60th birthday.

"Of course, I'm being a flatlander living in Ohio my whole life, so it was quite a challenge to get up there," Becker said. "It was just a great adventure for everybody involved and just a great accomplishment so I'm very happy to have done it and have the opportunity to do it."



Becker and his fellow hikers were joined by a support staff of 39. He says he's never been around such hardworking people. To be able to go anywhere, let alone halfway across the earth, and see people that are much poorer than people I deal with, people who don't have a whole lot, that they were that willing to help us and that enthusiastic to help us achieve a goal and to making an accomplishment out of climbing Mt. Kilimanjaro, it really was rewarding and it kind of restores your faith that you know people are good pretty much everywhere," Becker said.

He hasn't decided what his next big adventure will be ten years from now. "Hopefully I make it that far," he said.

But he is thankful to have had the chance to reach the top of Kilimanjaro.

"If you work together you can accomplish really great things, so now it's kinda given me a second wind I guess to get back in dealing with some of the tragedy I do in my professional job," Becker said. "It was just a great, great experience, and like I said, I can't thank you know Kim [Engle] and my family and my friends enough for letting me do this."

*OPAA would like to thank APA Becker and WKBN for this story.*

### Friday Fun at the OPAA

Retired Office Manager Delores Wilson stopped by in July for local favorite Village Coneys and to catch up on the latest happenings. It was good to see her and we appreciate her taking the time!



### OPAA Summer Workshop

Once again OPAA descended on the shores of Lake Erie to educate the membership and to enjoy the other activities the area provides. As usual, we ran both a criminal law track and a civil law track. The criminal side had presentations on working with victims; litigation skills; cell phone evidence; and 4th amendment suppression issues. The civil side explored the Inflation Reduction Act, construction procurement; public records; FMLA/FSLA; and actions of public and off-duty conduct of employees. Thanks to the 155 attendees from 54 counties that made the trip!



Phil Bogdanoff talking with the criminal side on litigation skills learned from "Where the Crawdads Sing"



Ben Albrecht from Fishel Downey on the civil track with a presentation on minimizing the risk of FMLA and FLSA violations as well as understanding permissible responses to the actions of public and off-duty conduct of employees.



OPAA's own Steve Taylor talks with the criminal track about the mechanics of the motion to suppress on fourth amendment grounds



Mickey Valdez and Crystal Baker of Summit County talking to the criminal track about the trauma informed approach to working with victims.



Nicole Donovan from Bricker Graydon on the civil track side with a presentation on the limitations on levy and bond campaign activities.

More pictures can be found on our [Twitter \(or "X" now\) account.](#)

## 2023 Training Dates

Fall Training - September 28th and 29th, Crowne Plaza Cleveland at Playhouse Square

Juvenile Prosecutor Training - October 19th, Marriott Columbus Northwest.

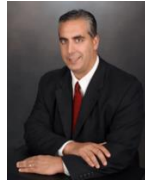
Annual Meeting - December 14th and 15th, Hilton Columbus at Easton



## Your 2023 Officers



Jane Hanlin  
Jefferson County  
President



Kevin S. Talebi  
Champaign County  
President-Elect



Keller J. Blackburn  
Athens County  
Vice President



David P. Fornshell  
Warren County  
Treasurer



Gwen Howe-Gebers  
Henry County  
Secretary

## 2023 Legislative and Executive Committee Meeting Dates

August – Thursday, August 24<sup>th</sup>, Zanesville CC

September – Wednesday, 27<sup>th</sup>, Crowne Plaza Cleveland at Playhouse Square (prior to Fall Training)

October – Thursday, October 26<sup>th</sup>

December – Wednesday, December 13<sup>th</sup>, Hilton Columbus at Easton (prior Annual Meeting)