



Ohio Prosecuting Attorneys Association



2023 OPAA FALL TRAINING SEMINAR

September 28th and 29th, Crown Plaza Cleveland at Playhouse Square

The OPAA Fall Training is again in Cleveland at the Crowne Plaza on Playhouse Square and will include presentations on hazing; the National Integrated Ballistic Information Network; hearsay; self-defense and stand your ground; and a plea and sentencing update; We will also offer the reporting requirement of 2.5 hours of professional conduct hours with Phil Bogdanoff presenting on ethics and the Alec Baldwin "Rust" manslaughter case and the Ohio Ethics Commission looking at "things of value" and the public servant. The Guardians unfortunately are in Detroit, but Playhouse Square will be active with "Thurgood," "The Tempest," and "Natasha, Pierre & The Great Comet of 1812" playing. We hope you will join us!

THURSDAY, SEPTEMBER 28TH

9:00 - 10:00

BGSU Hazing Case: The Good, The Bad and The Ugly About Dealing with Controversial Cases

This presentation will explore the case of Stone Foltz, a 20-year-old sophomore who died in 2021 after members of a fraternity he was pledging hazed him at an off-campus initiation event. The county coroner ruled that Mr. Foltz had died as a result of "fatal ethanol intoxication during hazing incident." Fraternity members lied to investigators and destroyed both physical and electronic evidence. Five men pleaded guilty to various charges in connection with Mr. Foltz's death. This presentation will look at how Wood County approached this high-profile and controversial case, and how attendees can use the lessons learned in their own cases.

***Paul Dobson, Prosecutor
Wood County***

10:00 – 10:15

Break

10:15 - 12:15

Precision Policing and Prosecution with the National Integrated Ballistic Information Network (NIBIN)

Every Prosecutor knows that guns know no boundaries. A gun can be used to commit an armed robbery in Toledo on a Monday and then in Columbus in a drive by shooting on Tuesday. In July 2023, BCI laboratories in Bowling Green, London and Richfield brought new NIBIN stations online, providing greater ballistics testing access to law enforcement agencies statewide and enhancing the likelihood of linking previously unconnected gun crimes. This presentation will assist Prosecutors by explaining what NIBIN is and what it can and can't be used for, as well as providing

tips to Prosecutors and Investigators on how Law Enforcement Officers can utilize NIBIN in investigating cases. Bob Troyer and Jeff Russell will walk through how NIBIN was used to link a number of crimes, including an officer being shot, committed by different defendants in different jurisdictions in Colorado. Carol O'Brien will provide an update on NIBIN at the Attorney General's Office as well as recent successes.

Carol Hamilton O'Brien, Chief Counsel/Deputy Attorney General for Law Enforcement

Office of Ohio Attorney General Dave Yost

Jeff Russell, Ultra Forensic Technology, Retired ATF agent

Bob Troyer, Former United States Attorney, Colorado

12:15 – 1:15

Lunch

1:15 - 2:15

Hearsay Basics

This overview of the hearsay rule will look at understanding the rule itself, out-of-court statements, admitting public records into evidence, case law, and other hearsay considerations for the prosecuting attorney.

Magistrate Brian Goodell

Ottawa County

2:15 - 2:30

Break

2:30 - 3:30

Hearsay Basics continues...

3:30 – 4:30

2023 Self Defense & Stand Your Ground Update

Self-defense is a common-law defense that has undergone significant statutory changes in recent years, including shifting the burden of persuasion to the State in 2019, and, in 2021, eliminating the duty to retreat in deadly-force cases under “Stand Your Ground” legislation. This presentation will provide an overview of where we stand now on self-defense, addressing the common-law elements of self-defense, covering the 2019 and 2021 statutory changes, and exploring the defendant’s new duty under Crim.R. 12.2 starting in 2022 to provide pretrial notice of self-defense. The change in the burden of proof and the removal of the duty to retreat in most situations really “stacks the deck” against the prosecution in these cases. But significant stratagems remain available to the State in seeking to overcome a claim of self-defense, and this presentation will address those possible stratagems as well.

Steven Taylor, Legal Research and Staff Counsel

Ohio Prosecuting Attorneys Association

FRIDAY, SEPTEMBER 29TH

9:00 - 10:30

The Rust Shooting: Should Alec Baldwin be Charged with Manslaughter?

(Professional Conduct)

On October 21, 2021, Alec Baldwin shot and killed cinematographer Halyna Hutchins while rehearsing a scene for the movie Rust. Alec Baldwin was charged with Involuntary Manslaughter. Critics argue that charges should not be filed since Baldwin believed the gun did not contain live ammunition. In this presentation, we will discuss the screening process in criminal cases and ethical considerations when deciding whether to file charges. Attendees will discuss charging decisions, factors to consider,

the evidence supporting the Baldwin charges and the State's two theories of criminal liability. The goal of the presentation is for attendees to review the evidence including film clips relating to the charges and determine whether the prosecutor made the correct charging decision. We will be discussing Rules of Professional Conduct 3.8, regarding a prosecutor's ethical duties to have probable cause and Rule 3.1, a defense attorney's ethical duty not to file motions that are frivolous. We will also discuss a prosecutor's ethical duties to do justice.

Philip Bogdanoff
Retired career prosecutor

10:30 - 10:45

Break

10:45 - 11:45

The Ohio Ethics Law 2023: A Focus on Gifts (Professional Conduct)

The Ethics Law prohibits a public official or employee from soliciting, accepting, or using a public position to secure things of value that could have a substantial and improper influence on the public servant. A general overview of these prohibitions will be addressed in the session, but the course will also delve deeper into the issue of public service and gifts. Topics include vendor responsibility, attending ceremonial events in an official capacity, issues that arise when attending conferences, and much more. The statute and germane advisory opinions will be presented in this lively and utterly relevant conversation.

Susan Willeke, Education & Communications Administrator
Ohio Ethics Commission

11:45 - 12:45

Lunch

12:45 - 2:00

Plea and Sentencing Update for Prosecutors – Making the Record to Avoid Reversal

This presentation will focus on recent case decisions that impact how a prosecutor can ensure the trial court is complying with Crim. R. 11 at the time of a plea and calculating the proper term and giving the correct advisements at sentencing. Too often simple trial court mistakes that can be noted and corrected on the record at the time of a plea or sentencing are missed by prosecutors resulting in subsequent reversals. While the prosecutor doesn't control these proceedings, they stand in the best position to make the record clear and the proceedings error free. It is the prosecutor, not the trial judge, who has to respond to an appeal. Having a good sense of the current law and requirements is a form of reversal insurance for prosecutors.

This presentation will also discuss the USE document (Uniformed Sentencing Entry) created and maintained by the Sentencing Commission. The USE can be an excellent learning tool for young prosecutors or veteran prosecutors seeking to keep up with ever changing requirements in the criminal process.

Judge Sean C. Gallagher
Ohio Court of Appeals, Eighth District

OPAA has requested approval for 9.75 hours of CLE, which includes 2.5 professional conduct hours, from the Supreme Court of Ohio Commission on Continuing Legal Education.

The two-day member registration fee is \$300.00 (\$600.00 for non-members). In the event of cancellations after September 15, 2023, the assessment is \$110.00, to partially cover the cost of food/meals which will have been

guaranteed by that date. If a registrant is only attending one day the registration fee is \$200.00 for members (\$400.00 for non-members), with an assessment of \$85.00 for cancellations after September 15, 2023. Registration fees include all handout materials, continental breakfast, lunch both days, and refreshments during breaks.

Guest rooms at the Crowne Plaza Cleveland @ Playhouse Square are \$159.00 single or double occupancy. Hotel rooms are subject to applicable state and local taxes (currently 17.5%; State 8.0%, Lodging 6.5%, and City is 3.0%) in effect at the time of check-in. Reservations can be made by calling Crowne Plaza central reservations at 1-800-2-CROWNE. Be sure to use Group Code OPA to receive this rate. Reservations can also be made by online via <https://tinyurl.com/4axb3pf5> (may require you to click through a security warning to get to the hotel site)

The cutoff date is Friday, September 1st. Check-in time is 3:00 p.m., and check-out time is 12:00 noon. Early check-in or late check-out are on a case-by-case basis. **Cancellation policy:** Cancelling your hotel reservation before 6:00 PM (local hotel time) on day prior to check in will result in a ***no charge***. Cancelling your hotel reservation after 6:00 PM (local hotel time) on day prior to check in, or failing to show, will result in a charge equal to the first night's stay per room to the credit card or other guaranteed payment method. Taxes may apply. Failing to call or show before check-out time after the first night of reservation will result in a cancellation of the remainder of your reservation. **Payments to Hotel:** major credit cards must be presented at check-in. **If paying by company /office check, the check must be provided 30 days prior to arrival.** **Personal checks are not accepted.** In the event a credit card is not approved or credit approval changes prior to the event, full prepayment of all estimated charges by a hotel approved payment method must be received three (3) days prior to arrival. **Parking:** valet parking, \$39.00/night include in and out access; self-parking, \$20.00/night does not include in and out access (1-1/2 blocks from the hotel).

NOTE: If any registrant has special dietary needs, please contact Diana at 614-221-1266 by September 15th, so that advance arrangements can be made with the venue. OPAA will accommodate requests as long as they can be supplied by the venue without additional cost. Any additional cost must be borne by the registrant, and they will be notified in advance.



Ohio Prosecuting Attorneys Association



REGISTRATION FORM

2023 OPAA FALL TRAINING

Return this form or forward the information so that it reaches OPAA by September 14th to:
diana@ohiopa.org, via fax 614-221-0753, or via mail to Ohio Prosecuting Attorneys Association, 196 East
State Street, Suite 200, Columbus, OH 43215.

Please register the following persons to attend the 2023 OPAA Fall Training at the Crown Plaza Cleveland at
Playhouse Square on Thursday, September 28th, and Friday September 29th, 2023:

| NAME | TITLE | THUR ONLY | FRI ONLY | THUR & FRI | EMAIL |
|-------|-------|--------------|-------------|---------------|-------|
| _____ | _____ | _____ | _____ | _____ | _____ |
| _____ | _____ | _____ | _____ | _____ | _____ |
| _____ | _____ | _____ | _____ | _____ | _____ |
| _____ | _____ | _____ | _____ | _____ | _____ |

The registration fee for members is \$300 for both days, \$200 for a single day. Non-member pricing is \$600 for both
days, \$400 for a single day.

Check number _____ for \$ _____ is enclosed or will be sent.

County

Prosecuting Attorney Signature

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