



# Ohio Prosecuting Attorneys Association



## 2021 OPAA SPRING TRAINING SEMINAR

Sheraton Columbus Hotel at Capitol Square

April 15<sup>th</sup> and 16<sup>th</sup>, 2021

Our Spring Training seminar will focus on a variety of topics including merger; open dumping and illegal disposal issues; cold case prosecutions; the ins-and-outs of the Intoxilizer 8000; cross examinations; doing more with first closing; and human trafficking. The OPAIA membership will be having their own training at the same time Thursday and joining us for lunch as well as the 1:15 presentation. We are planning for an in-person event, albeit a limited one, based on the status of COVID-19 leading up to our April dates. We hope to *see* you there!

### Thursday, April 15th

9:00 - 10:00      **Registration and Continental Breakfast**

10:00 - 11:00      **Merger**  
The issue of "merger" of offenses for sentencing purposes under R.C. 2941.25 is something often faced by trial prosecutors. This presentation will address the current controlling test for merger under *State v. Ruff* and will explore strategies that the prosecution can use earlier in the case to anticipate and defeat the application of merger at the time of sentencing.  
***Steven L. Taylor***  
***Legal Research and Staff Counsel***  
***Ohio Prosecuting Attorneys Association***

11:00 - 11:15      **Break**

11:15 - 12:15      **Cross Examination**  
This presentation will include discussion of areas and topics that are relevant to effectively cross examining a witness with a focus on expert witnesses.  
***Ronald L. Welch, Prosecutor***  
***Muskingum County***

12:15 - 1:15      **Lunch** (with OPAIA investigators)

1:15 - 2:15

**What Took You So Long? - The Windfalls & Pitfalls of Cold Case Prosecutions**

This joint session with the OPAIA investigators will highlight the positives and negatives of prosecuting cold cases, with a focus on homicides. Legal issues such as: pre-indictment delay, spoliation of evidence, and other sufficiency of the evidence issues linked to due process protections will be addressed. Similarly, the critical importance of newly discovered evidence or cutting-edge vistas in scientific research and methodology will also be explored.

***David T. Harold, Assistant Prosecutor  
Wood County***

2:15 - 2:30

**Break**

2:30 - 4:30

**Intoxilizer 8000**

Many Ohio State Patrol posts have switched from the BAC DataMaster to the Intoxilyzer 8000 for conducting breath/alcohol testing. The Intoxilyzer 8000 has been subject to legal challenges in other districts, resulting in case law that would be persuasive to our courts when challenges to the device come up. Because of the differences between the devices, as well as potential changes in procedure to obtain records that may be necessary for proving cases, the Ohio Department of Health will conduct a training on the instrument, including its operation, as well as dispelling some misconceptions and discussing case law developments.

***Jeanna Walock, Forensic Toxicologist/Program Administrator  
Alcohol and Drug Testing Program  
Ohio Department of Health***

**Friday, April 16th**

8:00 - 9:00

**Registration and Continental Breakfast**

9:00 - 10:00

**Doing More with First Close**

First closing argument gets a bad rap. It gets written off as easy, or boring, or not worth the time. "All you have to do is get through the elements." "Save your arguments for second close." "First close is boring, second close is fun." This presentation will reveal these misconceptions for the misconceptions that they are. Neglecting first closing argument wastes a valuable opportunity to speak directly to the jury. Let's not be wasteful. Let's learn how to do more with first close.

***Drew E. Wood, Assistant Prosecutor, General Division  
Lucas County Prosecutor's Office***

10:00 - 10:15

**Break**

10:15 - 11:45

**A Prosecutor's Guide to Open Dumping and Illegal Disposal**

Open dumping and illegal disposal of solid waste, scrap tires, and construction and demolition debris are a major problem in Ohio's communities. This activity raises significant concerns regarding public health and safety, the environment, property

values, and quality of life. Protecting Ohio's children and families from such nuisances is something we can all step up to address.

***Sally Montell, Supervising Attorney, Criminal Prosecution Unit  
Environmental Enforcement Section  
Office of Ohio Attorney General Dave Yost and  
Heather Robinson, Director, Environmental Unit  
Franklin County Prosecutor's Office***

11:45 - 12:45

**Lunch**

12:45 - 2:15

**Human Trafficking: The Who, What, Where and How**

During this presentation, the realities and myths of human trafficking will be explored. Attendees will also learn how vulnerabilities can lead to victimization, and the unique challenges that come with working with victims of human trafficking. The importance of working with a multi-disciplinary team to best serve these victims will be discussed, along with the wide range of statutes that can be used to prosecute traffickers and obtain justice for victims. Understanding the dynamics and history related to human-trafficking victims and recognizing that a witness or victim is a potential human-trafficking victim can be an important part of serving this group and ensuring that they have access to justice and fairness in the criminal-justice system in a way that increases their trust and confidence in the justice system.

***Jennifer M. Rausch  
Legal Director, Human Trafficking Initiative  
Office of Ohio Attorney General Dave Yost***

**We have requested approval for 9 hours of general CLE from the Supreme Court of Ohio  
Commission on Continuing Legal Education.**

The room rate at the Sheraton Columbus Hotel at Capitol Square is \$129.00 for single or double occupancy. Room reservations may be made by phone at 800-325-3535, or online at:

**<https://www.marriott.com/events/start.mi?id=1613597749277&key=GRP>**  
(note: The link is correct, this Sheraton is owned by Marriot)

If you choose the online option, be aware that you can only book three (3) rooms at a time. WHICHEVER METHOD YOU USE, PLEASE MAKE MULTIPLE RESERVATIONS USING INDIVIDUAL NAMES, AND GET INDIVIDUAL CONFIRMATION NUMBERS, RATHER THAN MAKING ALL RESERVATIONS IN THE SAME NAME AND SAME CONFIRMATION NUMBER. As some counties have had disastrous results when canceling a reservation that was made under a single name and a single confirmation number for multiple persons. Be sure to tell the Sheraton you are with Ohio Prosecuting Attorneys Association to obtain our rate. To avoid paying tax, accommodations must be paid for with either an office check or office credit card. Personal payment, even though it will be reimbursed by the office, is not tax exempt by state law. Also, provide the Sheraton with a tax exemption form. **The cutoff date for our block of rooms is 5:00 p.m. on Friday, March 19<sup>th</sup>.** To avoid being charged a penalty if a room reservation must be cancelled, the Sheraton requires that the cancellation be made 48 hours prior to the day of arrival. (If you are checking in on Wednesday, April 14, that would be 12:01 a.m. on Monday, April 12<sup>th</sup>.) Hotel check-in time is 3:00 p.m., and check-out time is 12:00 noon. Early check in and late check out are based on availability.

Our contract with the Sheraton anticipates that attendees will pay the above rate of \$129.00 for sleeping rooms. Attendees *SHOULD NOT* request the government rate as it violates the spirit, if not the letter, of our agreement.

The registration fees for OPAA members are \$250.00 for both days, and \$150.00 for one day only. Registration fees for non-members are \$500.00 and \$300.00. These fees cover all materials, continental breakfasts, breaks, and lunches on both days. To help defray the cost of food guarantees, cancellations after Friday, April 9<sup>th</sup> will be assessed a \$100.00 penalty if scheduled to attend both days, and a \$60.00 penalty if scheduled for one day only. Please send registrations to OPAA by April 7<sup>th</sup>.

OPAA is now providing all course materials in electronic format. Approximately 48 hours prior to the course date, seminar registrants will receive an email that will include a link to the course materials. Since reliable wi-fi access at meeting facilities cannot be guaranteed, we suggest registrants download the materials to their devices or print the material for use during the seminar.

**NOTE:** If any registrant has special dietary needs please contact Delores Wilson at [delores@ohiopa.org](mailto:delores@ohiopa.org) or 614-562-4892 by Friday, April 9<sup>th</sup>, so that advance arrangements can be made. OPAA will accommodate requests if 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

### OPAA 2021 Spring Training

Email this form or information by April 7th to: [diana@ohiopa.org](mailto:diana@ohiopa.org) or via mail to:

Ohio Prosecuting Attorneys Association  
c/o Delores Wilson  
9646 Shalemar Drive  
Pickerington, OH 43147

Please register the following persons (Prosecutors and Assistants only) from my office to attend the OPAA Spring Training at the Sheraton Columbus at Capitol Square, April 15th and 16th, 2021.

NAME	TITLE	EMAIL ADDRESS <u>(MUST HAVE)</u>	THURS & FRI	THURS ONLY	FRI ONLY
_____	_____	_____	_____	_____	_____
_____	_____	_____	_____	_____	_____
_____	_____	_____	_____	_____	_____
_____	_____	_____	_____	_____	_____
_____	_____	_____	_____	_____	_____

Check number \_\_\_\_\_ for \$ \_\_\_\_\_ is enclosed / will be sent (\$250.00 per PA and APA both days, \$125.00 per for one day only). **To assure attendees safety and comply with pandemic distancing requirements we will be limiting attendance.**

\_\_\_\_\_  
County

\_\_\_\_\_  
Prosecuting Attorney

NOTE: If any registrant has special dietary needs please contact Delores at [delores@ohiopa.org](mailto:delores@ohiopa.org) or 614-562-4892 by Friday, April 9th, so that advance arrangements can be made. OPAA will accommodate requests if 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.