



# Ohio Prosecuting Attorneys Association



## 2023 OPAA SPRING TRAINING SEMINAR

Sheraton Columbus Hotel at Capitol Square

April 20<sup>th</sup> and 21<sup>st</sup>, 2023

Our Spring Training seminar will focus on a variety of topics including a look at jury instructions; conviction review practices; how the BMV can help with investigations; a Marsy's Law update; how to best use PowerPoint from *voir dire* to rebuttal close; and a complex look at strangulation including the new Ohio law. We hope to see you there!

**Thursday, April 20<sup>th</sup>**

8:00 - 9:00

**Registration and Continental Breakfast**

9:00 - 10:00

**My Favorite Jury Instructions**

The effective use of jury instructions can take a prosecutor's trial practice to the next level. In this presentation, we will discuss the effective use of jury instructions in opening and closing. We will address specific "evergreen" jury instructions that are given in all criminal trials, and how to best present those issues to the jury. Finally, we will discuss "special" jury instructions that can be applied to frequently occurring fact patterns.

***Drew Wood, Senior Attorney General – Special Prosecutions  
Office of Ohio Attorney General Dave Yost***

10:00 - 10:15

**Break**

10:15 - 11:45

**Conviction Review Practices and the Prosecutor's Office – A Case Study  
(professional conduct)**

This presentation will review a real-life case of an individual who was wrongfully convicted and what the prosecutor did to ensure justice was achieved in the case. The discussion will include the ethical obligations that prosecutors have when someone has been wrongfully convicted. We will look at the steps that should be taken to ensure the integrity of a conviction is maintained, either by plea or by guilty verdict. Finally, we will review and discuss post-conviction relief motions that are being presented to the courts.

***Kyle Stone, Prosecutor and  
Lisa Nemes, Appellate Division Chief  
Both with Stark County***

11:45 - 12:45

**Lunch (with the OPAA Investigators Association members)**

12:45 - 1:45

**Effective Ohio BMV and Prosecutor Partnerships (with OPAIA)**

This presentation will provide an update and overview of the services offered and the service methods of the modern Ohio Bureau of Motor Vehicles (BMV). Specific attention will be focused on the Ohio BMV Investigations Section where an overview will be provided on scope and impact of investigations involving BMV-issued credentials. The presentation will close with resources and assistance available by the BMV for the Prosecutor's office.

***Charles Norman, Registrar***

***Bureau of Motor Vehicles***

***Ohio Department of Public Safety and***

***Todd Ballinger, Administrator***

***Ohio Bureau of Motor Vehicles – Investigations Section***

1:45 - 2:00

**Break**

2:00 - 3:30

**Marsy's Law Update**

Victims have a number of self-executing procedural and substantive rights under Marsy's Law as set forth in the Ohio Constitution effective on February 5, 2018. See Article I, Section 10a, Ohio Constitution. This presentation will provide an overview of these constitutional rights and will discuss the case-law developments arising in the Ohio Supreme Court's just-completed 2022 term, i.e., the decisions addressing restitution (*Yerkey* and *Brasher*) and the decision addressing the prosecutor's ability to appeal in order to enforce Marsy's Law (*Fisk*). The presentation will also highlight the most-significant developments coming out of the General Assembly's efforts at codifying aspects of Marsy's Law in House Bill 343 as effective April 6, 2023.

***Elizabeth Well***

***Legal Director***

***Ohio Crime Victim Justice Center***

3:30 – 5:00

**Using PowerPoint from Voir Dire to Rebuttal Close: Best Practices**

Jurors learn visually, which means effective and ethical use of PowerPoint presentations can aid the jury in its role as finders of fact. This presentation will discuss Ohio caselaw on the best use of PowerPoint at trial as demonstrative evidence. The presentation will also teach how to create slides that are visually effective and persuasive.

***Mark R. Weaver, Assistant Prosecutor***

***Marion County***

**Friday, April 21<sup>st</sup>**

8:00 - 8:30

**Registration and Continental Breakfast**

8:30 - 10:00

**The Investigation and Prosecution of Felony Strangulation Cases:  
Don't Choke and Let Them Stroke**

Are the injuries of the strangulation victim consistent with the history provided? Are we asking the right questions to elicit responses related to the obstruction of airflow and blood flow? Injuries, like those caused by strangulation, can be subtle, internal, and not visible, yet fatal. Missing or misinterpreting these injuries can be fatal to victims and

hinder the investigation and prosecution of a strangulation case, including delayed homicidal strangulation. This presentation will go in-depth on strangulation including Ohio's new strangulation law; benefits of clinical forensic nursing in the investigation and prosecution of non-fatal strangled patients; why lack of visible injury is not required for felony assault; why strangulation is a deadly force; why stranglers kill police officers and their partners; neck anatomy, pathophysiology, vascular injuries and forensic findings in fatal and non-fatal strangled patients; petechial hemorrhages, suffocation, clinical documentation, interpretation of symptoms, proving SBI and case studies; and wound documentation and interpretation: Can you differentiate assault from self-inflicted wounds?

***Dr. Bill Smock, M.D.***  
***Louisville, Kentucky***

10:00 - 10:15

**Break**

10:15 - 11:45

**The Investigation and Prosecution of Felony Strangulation Cases:  
Don't Choke and Let Them Stroke continues...**

***Dr. Bill Smock, M.D.***  
***Louisville, Kentucky***

11:45 - 12:45

**Lunch**

12:45 – 1:45

**The Investigation and Prosecution of Felony Strangulation Cases:  
Don't Choke and Let Them Stroke continues...**

***Dr. Bill Smock, M.D.***  
***Louisville, Kentucky***

**We have requested approval for 10.5 hours of CLE (which includes 1.5 hours of professional conduct) from the Supreme Court of Ohio Commission on Continuing Legal Education.**

The room rate at the Sheraton Columbus Hotel at Capitol Square is \$159.00 for single or double occupancy. Room reservations may be made by phone at 800-325-3535, (614) 365-4500 or online at:

<https://www.marriott.com/event-reservations/reservation-link.mi?id=1672864165750&key=GRP&app=resvlink>

(Note: The link is correct, this Sheraton is owned by Marriot) or <https://tinyurl.com/58nxdann>

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.** 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 11:59 p.m. on Sunday, March 26, 2023. To avoid being charged a penalty if a room reservation must be cancelled, the Sheraton requires that the cancellation be made 24 hours prior to the day of arrival. Hotel check-in time is 4:00 p.m., and check-out time is 12:00 noon. Early check in and late check out are based

on availability. All reservations must be accompanied by a first night room deposit or guaranteed with a major credit card. The hotel will not hold any reservations unless secured by the before mentioned methods.

Our contract with the Sheraton anticipates that attendees will pay the above rate of \$159.00 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 \$300.00 for both days, \$200.00 for one day only. Registration fees for non-members are \$600.00 and \$400.00. The fee covers all continental breakfasts, breaks, and lunches. To help defray the cost of food guarantees, cancellations after Wednesday, April 12th 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 10th.

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 secure 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 Diana at 614-221-1266, **on or before April 12th** so that advance arrangements can be made with the venue. 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

### 2023 OPAA SPRING TRAINING

Return this form or forward the information so that it reaches OPAA by April 10<sup>th</sup> to: [diana@ohiopa.org](mailto:diana@ohiopa.org), 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 Spring Training at the Sheraton Columbus at Capitol Square on Thursday, April 20<sup>th</sup>, and Friday April 21<sup>st</sup>, 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

**NOTE:** If any registrant has special dietary needs, please contact Diana at 614-221-1266, **on or before April 12<sup>th</sup>** so that advance arrangements can be made with the venue. 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.**