Cuyahoga County
Office of the Prosecutor

2016
Report to the Public
A Message from

Your County Prosecutor

At the Cuyahoga County Prosecutor’s Office, public safety is our No. 1 goal.

When citizens feel safe, good things happen. They invest in homes and businesses. They start families and sink roots. They are optimistic about the future and proud of their communities.

Everything we want for Cuyahoga County starts with public safety.

One way we foster safety is to focus our limited resources on the most dangerous and violent criminals. Research says that a relatively small number of repeat offenders commit the vast majority of crimes. So while the total number of defendants we have indicted is down by nearly 25 percent since 2012, a higher percentage of our cases target these worst of the worst offenders.

This approach builds on what we have learned from the nationally acclaimed work of our Cuyahoga County Sexual Assault Kit Task Force: If violent criminals are not pursued aggressively, they will strike again and again. It fuels our pursuit of the violent street gangs whose incessant gunplay puts the innocent at risk. It undergirds a new gun policy intended to let criminals and the defense bar know that we take the illegal use of firearms very seriously—and won’t back off guaranteed prison time for those crimes.

By collecting and disseminating information about patterns of criminal activity, our new Crime Strategies Unit helps build more powerful cases and better equips our law enforcement partners to zero in on offenders who think nothing of crossing city or county lines to rob a home, steal an ATM or settle a score. Collaboration and information sharing must become the model for effective law enforcement in our region—just look what happened during this summer’s Republican National Convention when so many agencies worked together to keep the peace and burnish Cleveland’s national image.

As the public’s law firm, we bring tools that range far beyond the courtroom to the fight for safety: Closing down nuisance properties that are crime havens. Tearing down dilapidated properties that depress home values, discourage stakeholders and attract criminals. Promoting education and treatment to battle the opioid epidemic. Bringing in national experts to share the latest thinking on criminal justice and crime prevention with our staff and police partners.

For the more than 300 dedicated women and men of the Cuyahoga County Prosecutor’s Office, nothing matters more than keeping the citizens of this community safe and helping build the brighter future we all desire.

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Mission of the Cuyahoga County Prosecutor’s Office

The Cuyahoga County Prosecutor’s Office is committed to making Cuyahoga County a thriving and safe place to live, work and conduct business.

Authority of the Cuyahoga County Prosecutor’s Office

The State of Ohio, through the Ohio Revised Code Chapter 309, empowers the county prosecuting attorney with the duty and obligation to:

“Inquire into the commission of crimes within the county. The prosecuting attorney shall prosecute, on behalf of the state, all complaints, suits, and controversies in which the state is a party... and other suits, matters, and controversies that the prosecuting attorney is required to prosecute within or outside the county, in the probate court, court of common pleas, and court of appeals. In conjunction with the attorney general, the prosecuting attorney shall prosecute in the supreme court cases arising in the prosecuting attorney’s county.”

Office Leadership 2015-2016

Timothy J. McGinty
Prosecuting Attorney

Jane M. Platten
Chief of Staff

Richard A. Bell
Chief, Special Investigations Division

Yvonne Billingsley
Chief, Family Law Division

Duane Deskins
First Assistant Prosecutor; Chief, Justice Division and Director of Juvenile Crime Prevention

Charles Hannan
Litigation Manager, Civil Division

Andrew Nichol
Chief, Criminal Division

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Divisions & Leadership

Administration
Jane M. Platten, Chief of Staff
Communications
Joseph F. Frolik
Director of Communications & Public Policy
Finance and Operations
David R. Reines
Interim Director of Finance & Operations
Human Resources
Beverly Dean, Human Resources Manager
Information Systems
Andrew Molls, Information Systems Director

Civil Division
APA Charles E. Hannan, Litigation Manager
General Civil Unit
APA Saundra Curtis-Patrick,
Assistant Unit Supervisor
Real Estate Tax Foreclosure Unit
APA Colleen A. Majeski, Unit Supervisor

Criminal Division
APA Andrew Nichol, Chief
Appeals Unit
APA T. Allan Regas, Unit Supervisor
Crime Strategies Unit
APA Saleh Awadallah, Unit Supervisor
Criminal Non-Support Unit
APA Kristine Pesho, Managing Attorney
General Felony Unit Supervisors
APA John R. Kosko
APA Gregory J. Mussman
APA Diane P. Russell
APA Jose A. Torres
Grand Jury/Early Case Management Unit
APA Terese McKenna, Unit Supervisor
Major Trial Unit
APA Saleh S. Awadallah, Unit Supervisor
Victim Witness Advocacy Unit
Marya Simmons, Unit Supervisor

Family Law Division
APA Yvonne C. Billingsley, Chief
Child Support Unit
APA Steven W. Ritz, Unit Supervisor
Managing Attorneys: APA Farah L. Emeka,
APA Terri M. Hammons-Brown,
APA Marilyn Weinberg
Children & Family Services Unit
APA Michelle Myers, Unit Supervisor
Managing Attorneys: APA Laura M. Brewster,
APA Amy Carson, APA Cheryl Rice

Juvenile Division
First Assistant Prosecutor Duane Deskins,
Chief, & Director, Juvenile Crime Prevention
Juvenile Justice Unit
APA Ralph Kolasinski, Unit Supervisor
Managing Attorney:
APA Robin D. Belcher
Managing Attorney (Gang Intake):
Scott C. Zarzycki

Special Investigations Division
APA Richard A. Bell, Chief
Economic Crimes Unit
APA Paul Soucie, Unit Supervisor
Internet Crimes Against Children Unit
APA Holly M. Welsh, Unit Supervisor
Investigations Unit
Michael J. O’Malley, Unit Supervisor
Organized Crime Task Force
Timothy Oleksiak, Unit Supervisor
Public Corruption Unit
APA Matthew E. Meyer, Unit Supervisor
Sexual Assault Kit Task Force
APA Brett Kyker, Unit Supervisor

Cuyahoga County Office of the Prosecutor
Our Team

Integrity
The Cuyahoga County Prosecutor’s Office emphasizes integrity and professionalism in everything we do. Decisions on every case are based on the facts and the law -- and always with any eye to what is just for the accused, the victims and the community. We established a Conviction Integrity Unit to review claims of innocence because we understand that the job of a prosecutor is to seek justice, not simply to win convictions. At that unit’s recommendation, in early 2016, we moved to vacate convictions that had resulted from the work of police officers who conducted unlawful searches and falsified records.

Talent
The Cuyahoga County Prosecutor’s Office is committed to hiring the most qualified individuals through an apolitical process in which candidates are screened by committees of employees and supervisors. We are also committed to casting a wide recruiting net in order to seek out talented and diverse employees who will help our office look like the residents we serve. Once individuals join our team, the work of enhancing their skills continues through mentoring, meaningful metrics, thoughtful supervision and continuing education designed to keep attorneys and support staff up to date on our profession’s best practices.

Collaboration
Keeping our communities safe requires constant collaboration and communication among law enforcement agencies at the federal, state and local levels. As we have seen in our prosecutions of street gangs and theft rings such as ATM bandits, criminals operate without regard to city or county lines. Law enforcement has to be just as seamless. In addition, complex issues such as the heroin epidemic cannot be solved simply by the hammer of arrest and prosecution. Instead they require prosecutors and police to partner with a broad coalition of social service agencies and dedicated citizens. Credit is not important. Results are.
The Work of the Office in 2015

Criminal Matters

Adult

97% of cases were resolved at the pretrial stage (through plea agreements, alternative disposition, etc.)

10,779 total adult defendant’s cases completed in 2015

339 Cases proceeded to trial in 2015

Juvenile

5,872 total juvenile defendant cases completed in 2015

read more about juvenile charging on page 18

179 number of violent juvenile gang members charged by the Juvenile Gang Unit since its inception in 2014

read more about gang prosecutions on page 22

26 Cases eligible for capital specifications (death penalty)

2015 Capital Cases

1 Case indicted with capital specifications

Results of Cases That Went to Trial

1% Convicted

29% Not Guilty

70% Inconclusive

31%

15%

3%

50%

Convicted
Not guilty
Diversion
Bound over
Dismissed

Legal Matters

822 Search warrants prepared by the Appeals Unit

6 Arguments at the Ohio Supreme Court by the Appeals Unit

1 Arguments at the Supreme Court of the United States (see page 8)

3,718 Issues completed by the Civil Unit

56 Custody appeals completed on behalf of Children & Family Services to protect abused and neglected children

1,570 complaints or petitions filed by the Child Support Unit to establish paternity or support.

Children & Family Services
Civil
Appeals
Child Support Enforcement

Cuyahoga County Office of the Prosecutor
Impact:

Shifting paradigms, raising the bar

Analysis of major reform initiatives, 2011-2015

1. Charging low-level offenses

Prosecutor McGinty made a commitment when he took office to focus limited resources on repeat, violent felons who pose a danger to community safety while expediting the prompt resolution of low-level cases through rehabilitation, treatment and diversion programs. Stated in his vision and goals, Prosecutor McGinty’s philosophy is this:

“With every low-level, non-violent case that is sent to our office, we will ask if it really needs to be tried as a felony.”

The impact of this practice is significant: In 2015, the office indicted 21 percent fewer defendants than in 2011, a reduction of nearly 3,000 cases per year. Low-level indictments are down even more—25 percent since 2011. Not only does this allow limited justice system resources to focus on the “worst of the worst,” it has also reduced racial and geographic disparities in charging.

2. Increasing diversion

Rehabilitation, treatment and diversion programs are critical to the success of addressing low-level crimes in a judicious and efficient manner. Prosecutor McGinty’s approach to prosecuting drug crimes has been:

“We want to send dealers to prison and addicts to treatment."

Alternative dispositions for non-violent low-level (F4 and F5) defendants has risen from 12 percent in 2011 to 23 percent in 2015. Anyone who successfully completes one of these programs emerges without a criminal record that would have limited future education and employment opportunities.

3. Reducing capital charges

This Office’s commitment not to overcharge begins with the most serious cases. Since 2012, we have sought the death penalty in only nine cases. During the preceding four years, the Office asked for the death penalty 110 times.

That’s a 90 percent decline in capital cases.

Of the capital cases completed, three defendants pled guilty and received sentences of life without parole. Two went to trial and were found guilty; in both cases, the jury recommended a death sentence. In the case of serial killer Michael Madison, the judge imposed the death penalty. The judge in the case of Douglas Shine, convicted of killing three people at a barbershop, rejected the jury’s verdict and imposed a sentence of life without parole.
Ohio v. Clark

On March 2, 2015, Assistant Prosecuting Attorney Matthew Meyer of the Cuyahoga County Prosecutor’s Office argued the landmark case of Ohio v. Clark before the Supreme Court of the United States. The court handed down a unanimous opinion that statements made by an abused child to his teacher were admissible as evidence in trial.

The State of Ohio v. Darius Clark

Defendant Darius Clark was a pimp who often sent his girlfriend away to engage in prostitution and watched her young son and daughter while she was out of town.

During one such trip in March 2010, teachers discovered red marks on the 3-year-old boy, who identified Clark as his abuser. Additional, severe abuse of both children was discovered by social workers following the teacher’s report.

Clark was tried on multiple child abuse counts. At trial, the State introduced the boy’s statements to his teachers as evidence of Clark’s guilt. A jury convicted Clark on all but one count, but because the boy did not testify personally, the state appellate court and Ohio Supreme Court reversed the conviction on the grounds that Clark has been unable to “confront... the witnesses against him” as provided for in the Sixth Amendment to the U.S. Constitution.

The United States Supreme Court reinstated Clark’s conviction, stating that the introduction of the statements at trial did not violate the Confrontation Clause. The court ruled that because the “statements were not made with the primary purpose of creating evidence for Clark’s prosecution” and had “occurred in the context of an ongoing emergency involving suspected child abuse,” they were admissible. Mandatory reporting obligations had not converted the concerned teacher into a law enforcement officer gathering evidence for prosecution that would be barred by the Confrontation Clause.

Presenting the Case

APA Meyer brought more than a powerful argument to the Supreme Court of the United States that morning. He had a cheering section – albeit a silent one.

The day before, 50 of his colleagues rode a bus from Cleveland in a snowstorm to watch history being made: Ohio v. Clark gave the high court a chance to refine its interpretation of the Confrontation Clause. And it also marked the first time since 1967’s landmark Terry v. Ohio that our office had argued a case in front of the Supreme Court.

Many of those colleagues had been involved in the case during its trip through the judicial system. They had tried and convicted Darius Clark for his abuse. They had handled post-conviction appeals at the 8th District Court of Appeals and the Ohio Supreme Court. They had petitioned the U.S. Supreme Court to take the case.

Our prosecutors wanted not only to see the final stages of a vital legal process, they also wanted to stand up for Clark’s victims and for other victims whose cases would be harder to prove unless the State of Ohio prevailed.

“What happened in this case is something our Assistant
What this decision means for victims of child abuse

The U.S. Supreme Court’s decision in this case affirms that the teachers in this case were not acting as law enforcement when they asked a young child who had harmed him, thus their testimony could be used in court. This decision is vitally important in prosecuting cases of child abuse in which the children are too young to testify in court.

Prosecutors deal with every day – children abused at the hands of adults they trust. In too many of these cases, because they are young children, their voices are not heard,” said Michelle Myers, supervisor of the CFS Unit. “It is rare that an issue of child protection makes it before the Ohio Supreme Court, let alone the U.S. Supreme Court. This ordinary case from Cuyahoga County impacted the whole country.”

Late Sunday afternoon, Appeals Unit attorneys crowded into a conference room for a last prep session. APA Meyer and Appeals Unit Chief Allan Regas had been in Washington for a week. But with stakes so high, the mental training continued well into the evening.

“We ran through every conceivable question the justices could ask him,” said Appeals Unit APA Frank Zeleznikar. “By the end of the night, he could not have been any more ready for the argument the next day.”

Other APAs on the trip ranged from senior attorneys to young prosecutors from the Juvenile Justice and General Felony units. Prosecutor McGinty wanted all of them to understand the potential impact their work has every day.

“Try every case like it’s going to the Supreme Court,” he said. “Because it just might.”

Preparing the Case

This case was a team effort from the very beginning.

From the Cuyahoga County Prosecutor’s Office, Matt Meyer argued the case before the U.S. Supreme Court while Katie Mullin authored the briefing. The following prosecutors worked on the initial prosecution, state appeals, and preparation for the case before the Ohio Supreme Court, to include: Saleh Awadallah; Yvonne Billingsley; Anna Faraglia; Jennifer Driscoll; Eric Foster; Kristin Karkutt; Mark Mahoney; Mary McGrath; Anthony Miranda; Michelle Myers; Deborah Naiman; T. Allan Regas; Christopher Schroeder; Diane Smilanick; Amy Venesile; and Frank Zeleznikar.

Additionally, the victim's daycare teachers Ramona Whitley and Debra Jones showed compassion and courage in detecting and reporting the abuse they witnessed. And the Cuyahoga County Children & Family Services Social Workers Elizabeth Grizer and Howard Little secured the immediate safety of the victims, along with Cleveland Police Detectives Jodi Remington and Michael Kovach, who investigated the case.

Assistant to the Solicitor General Ilana Eisenstein brought significant talent to the oral argument. And attorneys throughout Ohio contributed their expertise and support. Assistance was provided by Ohio Attorney General Mike DeWine; Eric Murphy, Ohio Attorney General's Office; Samuel Peterson, Ohio Attorney General’s Office; Carol Hamilton-O'Brien, Delaware County Prosecutor; Douglas Dumolt, Delaware County Prosecutor’s Office; Alexandra Schimner, The Ohio State University, Office of Legal Affairs; and Jon Oebker, Tucker Ellis. Nationally, 43 states, seven professional organizations, the District of Columbia, and the U.S. Solicitor General filed amicus briefs with the court in support of Ohio’s case.
On November 8, 2015, a 15-year-old Brooklyn girl vanished from her neighborhood. Her parents told authorities she had gone out in her pajamas to let her dog out, and never returned.

The following day, suspecting that the girl may have been lured into danger through social media, the Brooklyn Police Department enlisted the help of the Ohio Internet Crimes Against Children Task Force.

**About the Task Force**

The Ohio ICAC Task Force is chaired by Prosecutor McGinty and is staffed by civilian and law enforcement investigators, analysts and forensic examiners. More than 300 law enforcement agencies across the state partner with the Task Force to engage in training, undercover operations, forensic investigations and follow-up on CyberTips generated by the National Center for Missing and Exploited Children. The Ohio ICAC Task Force also cooperates with other Task Forces across the country to share information and pursue would-be online predators who cross state boundaries.

In a community still reeling from the disappearance and decade-later escape of three young girls from kidnapper and serial rapist Ariel Castro, authorities and the greater community alike grew ever more concerned as the days passed without any sign of the girl. Civilian analyst Caroline Wathey of the Task Force monitored social media and communicated with the Brooklyn Police Department, hoping to generate leads.

**A break in the case**

More than three weeks passed before there was a break in the case: Authorities identified a fictitious Facebook account being used by the missing girl or by someone posing as her. Analyst Wathey subpoenaed Facebook records, and upon further investigation, identified the Internet provider connected with this account. She then was able to locate two addresses in Missouri linked to this internet provider and a suspect: 41-year-old Christopher Schroeder of Marthasville, Missouri. Analyst Wathey contacted the Missouri ICAC Task Force and local sheriff’s department on December 1.

**Rescue**

That day, authorities raided Schroeder’s house and located the missing girl.

Once she was safely in the custody of law enforcement, the Brooklyn girl told authorities that she had met Schroeder online several months prior through Kik Messenger and that he had traveled to Brooklyn to meet her. After she got in his car, he took her phone — eventually disposing of it — and drove back to Missouri. She said she had been held against her will in Schroeder’s home ever since.

“This is just the kind of cooperation across jurisdictional and even state lines that it takes to solve such a complicated and horrific case,” said Cuyahoga County Prosecutor Timothy J. McGinty, chairman of the Ohio Internet Crimes Against Children Task Force. “This pervert probably figured that once he had spirited this little girl out of Ohio and back to Missouri that he was home free. Well, he was very wrong.”

**Preventing online child exploitation**

The Ohio ICAC Task Force annually follows on thousands of cyber tips and works with police throughout the state to battle those who use the Internet to exploit and prey on children. ICAC also gives free presentations to schools, churches and civic groups on Internet safety. For more information about ICAC visit www.ohioicac.org.
More Headline Cases from 2015 & 2016

State of Ohio v. Michael Madison
Michael Madison was a repeat sexual offender who in 2012 and 2013 brutally murdered three women and disposed of their bodies in trash bags. After lengthy legal maneuvers designed to delay his trial, Madison went before a jury in the spring of 2016. With Prosecutor McGinty and APA Anna Faraglia leading the prosecution team, Madison was found guilty of the Aggravated Murders of Shirellda Terry, Angela Deskins and Shetisha Sheeley. On June 2, Common Pleas Court Judge Nancy R. McDonnell sentenced him to death.

State of Ohio v. Bobby Hernandez
When a standout Cleveland student applied to colleges in the fall of 2015, a problem surfaced: His Social Security number was fraudulent. That led to an even more startling revelation that drew national media attention: The boy’s father had surreptitiously taken him away from Alabama 13 years earlier. They had lived since in Cleveland using assumed identities and leaving a grieving mother to wonder what had become of her child. Defendant Bobby Hernandez pled guilty to Kidnapping and Tampering with Evidence and will serve four years in prison.

State of Ohio v. Johnnie Harris
Johnnie Harris, the Red Shoe Robber, was a busy man. Over one six-month period, he and his band of thieves robbed 19 businesses from Lakewood to Eastlake. Luckily for investigators, Harris usually wore distinctive red shoes on his rounds. But what finally stopped Harris was the collaboration of police departments across city lines that enabled us to tie together his crimes—and form the template for busting other traveling robbery rings. In March 2015, Common Pleas Judge Dick Ambrose sent Harris to prison for 57 years.

State of Ohio v. Craig Sifford and Sandra Sifford
Charlie Sifford’s golfing career was legendary: The first African American to play on the PGA tour. Winner of its Seniors Championship in 1975. First black player in the World Golf Hall of Fame. Presidential Medal of Freedom winner. But as he grew older and infirm, some of those closest to him took advantage. Working with BCI, our Economic Crime Unit brought theft charges against Sifford’s son and daughter-in-law. They eventually admitted stealing $315,000 from the golfing great and were sent to prison by Common Pleas Court Judge Peter Corrigan.

State of Ohio v. Julius Webster
Julius Webster helped make the Heartless Felons one of Northeast Ohio’s most notorious street gangs. But in February 2015, after a tense trial, a Cuyahoga County Jury convicted Webster of a robbery-murder. And Common Pleas Judge Michael Astrab found him guilty of gang specifications that involved using extortion and brutality to control city streets and state prisons. After imposing a 99-year sentence, the Judge asked Webster if he had anything to say. Replied the gang leader: “Nah, I’m good.”
Justice in Your Neighborhood

The Cuyahoga County Prosecutor’s Office has defined five regions of the county by which to monitor crime statistics and organize law enforcement collaboration and community outreach. Each region comprises one City of Cleveland district and its neighboring suburbs.

Visit our website at www.prosecutor.cuyahogacounty.us for a detailed analysis of each region’s crime data.

Region 1

Geography
City of Cleveland District One, Bay Village, Berea, Brook Park, Fairview Park, Lakewood, Middleburg Heights, North Olmsted, Olmsted Falls, Olmsted Township, Rocky River, Strongsville, and Westlake
Total Population*: 380,134

Case Highlight from Region 1:
The State of Ohio v. Brandon Pawlak (CR-14-591408)
Pawlak stole a pick-up from Avon Country Club and fled from police at up to 80 miles an hour. In Westlake, he lost control and crashed through the walls of the Dover Gardens Tavern, injuring 13 patrons, several of them seriously. He was convicted of Aggravated Vehicular Assault and sentenced to 35.5 years in prison.

Region 2

Geography: City of Cleveland District Two, Broadview Heights, Brooklyn, Brooklyn Heights, North Royalton, Parma, Parma Heights, Seven Hills
Total Population: 265,839

Case Highlight from Region 2:
The State of Ohio v. Irving Galarza/Ismael Camacho/Luis Figueroa (CR-15-600352)
The three defendants conspired to set a fire in February 2015 that severely damaged three homes on Cleveland’s Near West Side and severely injured the woman who lived in one of them. All three were found guilty on charges that included Aggravated Arson and Attempted Murder and received sentences of up to 11 years.

*Population from 2010 U.S. Census (???)
**Region 5**

*Geography:* City of Cleveland District Five, Bratenahl, Cleveland Heights, East Cleveland, Euclid

*Total Population:* 180,675

*Case Highlight from Region 5:*


Santini, 23, of Euclid, was convicted of child pornography charges after investigators discovered that he was sharing files depicting children as young as 2 being sexually abused. Now serving an 8-year prison sentence, he will have to register as a sex offender for 25 years after his release.

**Region 4**

*Geography:* City of Cleveland District Four, Beachwood, Gates Mills, Highland Heights, Hunting Valley, Lyndhurst, Mayfield, Mayfield Heights, Pepper Pike, Richmond Heights, Shaker Heights, South Euclid, University Heights

*Total Population:* 234,688

*Case Highlight from Region 4:*

The State of Ohio v. Oleh Yarochovitch/Christopher Nave/Rose Nemec (CR-15-601090)

The two men and their female accomplice will spend up to 14 years in prison for a string of robberies that stretched from Parma to Mayfield Heights. The trio hunted for elderly victims who were outside doing yardwork. They’d then sneak into the homes, lock out the owners and steal cash, jewelry and other valuables.

**Region 3**

*Geography:* City of Cleveland District Three, Bedford, Bedford Heights, Bentleyville, Brecksville, Chagrin Falls, Chagrin Falls Township, Cuyahoga Heights, Garfield Heights, Glenwillow, Highland Hills, Independence, Maple Heights, Moreland Hills, Newburgh Heights, North Randall, Oakwood, Orange, Solon, Valley View, Walton Hills, Warrensville Heights, Woodmere

*Total Population:* 219,874

*Case Highlight from Region 3*


A few weeks before Christmas 2015, the trio went on a crime spree in Cleveland’s Little Italy neighborhood, pistol-whipping a priest who refused to hand over his car keys and robbing three other people at gunpoint. All three were arrested, convicted and sentenced to prison terms of from 16 to 22 years.
Vacant and abandoned properties are a cancer on neighborhoods in Cleveland and throughout Cuyahoga County. They deplete the property values of nearby homes, discourage investment and attract crime.

Following the real estate meltdown and the wave of predatory lending that helped precipitate it, Cuyahoga County was left with literally thousands of abandoned and vacant properties. By some estimates, there were 25,000 vacant and abandoned homes countywide.

Since this crisis began, your Cuyahoga County Prosecutor’s Office has worked closely with local governments, the Cuyahoga County Land Bank and neighborhood groups to speed the demolition of these zombie properties and to transfer title so that the land can be returned to productive use.

**Working together to fight blight**

Under state law, our Office receives a sliver of delinquent tax receipts that can be used for demolition of abandoned and condemned properties. In 2015, we choose to focus our demolition dollars on three target neighborhoods.

Two of them – Fairfax and the area where Tremont merges into the Clark-Fulton community – are near major medical institutions, the Cleveland Clinic and MetroHealth Medical Center. Both hospitals are committed to major expansion and renovation projects. The third is Slavic Village, a neighborhood just south of downtown Cleveland that was often referred to in local and national news stories as “ground zero” for the foreclosure crisis.

In selecting the target areas, Prosecutor McGinty looked for communities where redevelopment could be accelerated by the systematic removal of blight. Each of these neighborhoods showed special potential because they already had robust local development corporations with concrete, short-term plans for putting the newly cleared properties to constructive use.

Working with those local leaders, we developed a list of priority teardowns.

For properties that had been condemned by the City of Cleveland and gone through its required legal process, we used money from the delinquent taxes to pay for demolition. In partnership with the city’s Department of Building and Housing and a network of local contractors, we took down a total of 195 properties that way.

Some of the decrepit homes had not been condemned but were abandoned and their negligent owners had stopped paying taxes. For them, we initiated foreclosure hearings and transferred title to the Cuyahoga Land Bank. That organization then used its funds to tear down 76 structures, and we paid for the Land Bank to take down another 11.

*Left: The first house demolition in March 2015 on E. 90th St. in Cleveland’s Fairfax neighborhood. Below: Cleveland City Councilman Tony Brancatelli presents an award to First Assistant Duane Deskins, APA Colleen Majeski and Prosecutor McGinty for the Office’s work demolishing troublesome properties in Slavic Village.*
That’s a total of 354 demolitions: 167 around MetroHealth, 145 near the Cleveland Clinic and 42 in Slavic Village.

Another 116 in the target areas have gone through foreclosure and are coming down as funds become available.

Why does this matter?
Studies have repeatedly shown that abandoned properties bring down the value of the even well-maintained homes on the same street. That hurts hard-working residents who are trying to do what’s right by re-investing in their homes.

But of special interest to the Prosecutor's Office is the impact of abandonment on crime.

Abandoned and vacant properties often provide the perfect platform for criminal activity: Drug deals, weapons sales, and rapes occur with shocking regularity in these structures where, quite literally, no one is home.

The last Cleveland Police Officer killed in the line of duty, Patrolman Derek W. Owens, died in February of 2008 while responding to a call about men drinking at an abandoned property. As Officer Owens and his partner approached, the suspects fled. One of them then pulled a gun and fired, killing Officer Owens. He left behind parents, a wife and two children.

Of the 354 properties demolished in 2015, 70 percent had had calls for service in the previous year – the average was five calls per property. At the 116 properties in the target areas that cleared foreclosure and are awaiting demolition, the average number of service calls was seven. That means the police are regular visitors to these supposedly vacant properties.

Removing them will make the job of policing these neighborhoods easier. It will make residents safer. They will be able to invest in their homes knowing that the abandonment that once would have offset the value of any improvements has been eradicated.

Looking ahead
This year, the Foreclosure Unit has added extra staff to fast-track dilapidated, tax delinquent properties through the courts. Then they are being systematically demolished, using a $60 million pool of “Hardest Hit” funds from the federal government. The unit expects to complete foreclosure on 3,000 properties this year and more than 3,700 next year.

“This is a great example of government working together and making a real difference in the lives of people,” said Cleveland City Councilman Tony Brancatelli, whose constituents include the Slavic Village community.

A total of 354 vacant houses were torn down in 2015 as a result of this initiative. The teardowns were focused in three neighborhoods where blight and crime have been a significant issue: in the Clark-Fulton neighborhood near MetroHealth, in the Hough and Fairfax neighborhoods around the Cleveland Clinic, and in Slavic Village.
Sexual Assault Kit Initiative

A national leader in addressing the rape kit backlog

In May 2011, Ohio Attorney General Mike DeWine invited law enforcement agencies across the state to submit for testing any sexual assault kits, regardless of age, that had been collected but never tested for DNA. The Cleveland Division of Police conducted an inventory in response to this invitation. Eventually, Cuyahoga County law enforcement submitted nearly 5,000 previously untested kits that had been collected between 1993 and 2010. In 2013, the Prosecutor’s Office convened what is now known as the Cuyahoga County Sexual Assault Kit Task Force to investigate and prosecute the cases resulting from the testing of these kits.

“Dollar for dollar this will be the most productive use of time and money by a law enforcement task force ever in Cuyahoga County,” Prosecutor McGinty said in May of 2014, when the Task Force indicted its 100th defendant. “We now realize that the DNA in these old rape kits is a ticket to prison for a trainload of violent rapists. These Cold Case kits are a virtual gold mine. We have an unprecedented opportunity to take a large percentage of this county’s most dangerous criminals off the street all at the same time.”

Task Force Structure
The Cuyahoga County Sexual Assault Kit Task Force is a multidisciplinary group of forensic scientists, investigators, victim advocates, prosecutors and other criminal justice partners dedicated to the testing, investigation and prosecution of sexual assault cases arising from previously unsubmitted sexual assault kits in Cuyahoga County. It includes the Prosecutor’s Office, the Cleveland Division of Police, the Cuyahoga County Sheriff’s Department, the Cleveland Rape Crisis Center and the Ohio Bureau of Criminal Investigation (a division of the Ohio Attorney General’s Office).

Members of the Task Force work in close collaboration, sharing office space and resources, to pursue justice on behalf of the victims whom these kits represent.

A National Leader
The issue of unsubmitted rape kits is not unique to Cuyahoga County. In fact, in recent years, journalists and victim advocacy groups have brought to light this national problem, culminating from lack of resources, troublesome beliefs and attitudes toward sexual assault, and inconsistent policies. While most jurisdictions are only beginning to tackle this issue, Cuyahoga County was among the first to develop a comprehensive system for addressing its backlog.

Two other jurisdictions facing similar challenges in cold case rape kit investigations, Detroit and Memphis, sent

Left: Ohio Attorney General Mike DeWine announces the 500th indictment resulting from Cuyahoga County’s SAK Task Force in summer 2016. Below: Special Investigations Division Chief Rick Bell discusses the work of the Cuyahoga County Sexual Assault Kit Task Force during the first national symposium on best practices held at the Department of Justice in Washington.
Grant Funding

The United States Department Of Justice, Bureau Of Justice Assistance, National Sexual Assault Kit Initiative

The Prosecutor's Office was awarded $1.9 million in October 2015 (for a three-year project period) to fund prosecution and victim advocacy as well as training and program evaluation. The DOJ ok'd an additional $3 million in 2016.

The Ohio Attorney General's Office, Safe Neighborhoods Initiative

The Cuyahoga County Prosecutor's Office was awarded $450,000 in early 2015 to fund six additional personnel to support investigations of cold case sexual assaults reopened through the Task Force.

Edward J. Byrne Memorial Justice Assistance Grant

Since 2014, the Prosecutor's Office has received Edward J. Byrne Memorial Justice Assistance Grant (JAG) funding as a sub-grant through the Ohio Office of Criminal Justice Services. This grant partially funds the position of one Sexual Assault Victim Advocate to provide advocacy services to survivors.

Representatives to a 2014 summit held in Cleveland and hosted by the Prosecutor's Office. This summit included updates from researchers on the subject, legislators and sexual assault survivor advocates. It also convened members of various disciplines to discuss challenges and to develop best practices. This summit was repeated in Memphis in 2015, and attendance included other jurisdictions just beginning the process of counting and testing their untested rape kits. Detroit hosted the 2016 summit.

Because of its leadership, Cuyahoga County has been recognized nationally for its cooperative approach to handling its rape kit backlog. Task Force leaders have presented at national conferences, including the 2015 International Conference on Sexual Assault, Domestic Violence and Campus Responses and the 2015 Conference on Crimes Against Women. In late 2014, Special Investigations Division Chief Rick Bell was interviewed by Diane Rehm on National Public Radio on the subject. Cuyahoga County has served as a case study for other jurisdictions, including the states of Kentucky and Washington, as they embark on their own efforts to address their rape kit backlogs.

Federal Funds Support Efforts

In October 2015, the Department of Justice announced its award of $1.9 million to the Cuyahoga County Sexual Assault Task Force, one of 20 jurisdictions across the country funded through the Bureau of Justice Assistance Sexual Assault Kit Initiative. These funds support expanded prosecution staffing, victim assistance and program evaluation to promote a better understanding of the issues surrounding the prosecution of cold case sexual assaults in the county. Because Cuyahoga County is so much further along than most other jurisdictions in its efforts to inventory, test, investigate and prosecute cases from previously unsubmitted sexual assault kits, it can provide valuable insight into the process.

Cuyahoga County Council has agreed to continue funding the project for the next four years.

Looking Ahead

In the first two years of its operations the Task Force made major strides in tackling the rape kit backlog in Cuyahoga County and finally bringing to justice dozens of predators whose crimes had gone unpunished. Throughout this process, members of the Task Force have continually worked to improve their cooperation, investigative skills, understanding of trauma-informed practices in working with survivors of sexual assault, and analysis and implementation of best practices. In just over three years since its founding, the Task Force has succeeded in the indictment of 550 defendants.

Key Partners

• Ohio Attorney General's Office, Bureau of Criminal Investigation
• Cleveland Division of Police
• Cuyahoga County Sheriff's Department
• Cleveland Rape Crisis Center
• Case Western Reserve University, Begun Center for Violence Prevention Research and Education

As of December 13, 2016

• Defendants indicted: 550
• Convictions: 236
• Conviction rate in completed cases: 93.3%
• Average sentence: 10 years
• Investigations opened: 6,185
• Investigations closed: 2,687
• Number of serial rapists in the pool of tested SAKs: 403
**Juvenile Justice**

**Major impact for minors**

Until 2015, the Prosecutor charged and diverted juveniles living in Cleveland, and the Cuyahoga County Juvenile Court charged and diverted juveniles from the suburbs. Under this protocol, very few juveniles from Cleveland - just 3 percent in 2013 - were diverted.

Now, under a new approach developed in collaboration with the Juvenile Court, every child, regardless of zip code, has an equal opportunity for diversion. The results have been dramatic: Nearly 40 percent of the juvenile cases are being diverted and more than 50 percent of diversions are to juveniles of color. In 2015, the failure rate among juvenile diversions was just 4 percent.

In addition, juvenile bookings have been shifted from Cleveland City Jail to the Juvenile Justice Center. This significantly accelerates the booking process and gets Cleveland police officers back on the streets faster.

![Image](image-url)

Cuyahoga County Juvenile Court Administrative Judge Kristin Sweeney and Prosecutor McGinty sign an agreement detailing the new protocol for charging and diversion decisions that brings equity to young offenders throughout the county.

**More about Juvenile Justice in Cuyahoga County**

Led by First Assistant County Prosecutor Duane Deskins, our Juvenile Justice Division has worked to reform how the criminal justice system handles young offenders, while also aggressively safeguarding public safety.

**Improving Juvenile Justice**

Juvenile courts were established at the beginning of the 20th Century because legal reformers and social scientists understood that young offenders were at a different stage in their mental, emotional and social development and therefore needed to be treated differently than adult criminals.

Today we still want young people who've made a mistake to get a second chance. The new protocol for charging and diversion underscores that goal.

So does another new innovation: juvenile bookings have been shifted from Cleveland City Jail to the Juvenile Justice Center. No longer will impressionable young offenders be booked at the same facilities as the most violent repeat offenders. This change also has significantly accelerated the booking process — and it's getting Cleveland police officers back on the streets faster.

**Addressing Firearm Violence**

For the first time, we now track all firearms recovered by law enforcement to make sure these weapons are traced and to see if they can be connected to other crimes.

We now make no plea bargains in gun cases unless the young offender truthfully discloses where the weapon came from—and how he or she got it.

**Apprehending Violent Juveniles**

The Division's Juvenile Gang Unit continues to target violent gang crime in the Cuyahoga County Juvenile Detention Center and throughout the county. Since 2014, the Unit has charged nearly 200 violent juveniles and trained young prosecutors to investigate, charge and prosecute complex, multi-defendant cases.

LEADS is a statewide system that enables law enforcement officers to identify dangerous and violent offenders with outstanding warrants. Until this year, LEADS did not include juvenile warrants. The Juvenile Unit led the effort, along with judicial and law enforcement partners, to change the state's protocol and add violent juvenile offenders, including those wanted for murder, rape and gun violence. We also developed a method to add warrants to the National Crime Information Center database when a violent juvenile offender has fled the state.
Family Law Division

Protecting children’s rights

The success of a community depends on the success of its families. To better serve Cuyahoga County’s families, the Prosecutor’s Office united the various units that address matters of family law into one cohesive division. The Family Law Division aims to provide holistic legal support to vulnerable children and families in Cuyahoga County through the establishment and enforcement of child support and the prevention of child abuse and neglect.

The Family Law Division was established in October of 2014. Since this time, under the leadership of Division Chief Yvonne Billingsley, members of the division have worked to establish systems, policies and organizational structure that facilitate the delivery of excellent legal services to the agencies they represent. In 2015, the division established a mission statement, as well as supporting goals and strategies, to guide its work; these strategies continue to be implemented and improved upon in 2016.

The mission of the Family Law Division is to provide professional, efficient and comprehensive legal services that will support the missions of its clients, the Cuyahoga County Division of Children and Family Services and the CJFS-Office of Child Support Services.

Child Support Unit

The Child Support Unit combined what was formerly two separate units – one addressing the establishment of paternity and one enforcing child support orders. The merged unit improves communication and efficiency, better serving the client (CJFS-OFCSS), and the families who rely on this office to ensure children receive the financial support to which they are legally entitled. In 2016, the CSU also hired an investigator to find good addresses for obligors so that establishment and enforcement actions can be pursued.

The CSU worked with Juvenile Court and OFCSS to help roll out “Families on Track,” a program aimed at finding alternatives to incarceration for obligors who truly cannot pay child support—including job readiness classes, training, drivers license reinstatements, parenting classes and other assistance. Research shows incarceration is not only harmful to the children of parents who cannot pay child support, but also limits a parent’s ability to secure and maintain employment that would help him or her meet child support obligations.

The Family Law Division worked with Juvenile Court to create Child Support Warrant Recall Fridays, a one-stop chance for parents behind in their obligations to set up a payment plan, plug into social services and get a fresh start – with no worries about outstanding warrants. The program helped sharply increase monthly child support collections in 2016.

Children and Family Services Unit

The Children and Family Services Unit represents the Cuyahoga County Division of Children and Family Services in all stages of child protective proceedings. Communication, both within the office and across county agency and criminal justice partners, has been a priority in 2015 and 2016. These improvements have ensured that CFS Assistant Prosecutors are better equipped to handle cases of suspected child abuse and neglect, and that families at risk have better access to resources in the community to prevent child abuse and neglect.

For example, CFS worked with the county’s Family Drug Court and a local nonprofit agency to help link parents with substance abuse issues to vocational training resources. Additionally, the CFS unit began participating in a planning committee for the establishment of a Child Advocacy Center in Cuyahoga County for sexually abused children; a Task Force within the Quality Parenting Initiative-Cuyahoga aimed at improving perceptions and culture around foster care; and the Baby Elmo Re-Entry Program, a parenting and visitation program for incarcerated teens.

Family Law Resources

The Family Law Division represents the county’s Division of Children and Family Services and the Office of Child Support Services to provide legal services in matters such as paternity establishment, child support enforcement, child abuse and neglect. This division does not work directly with the general public. If you need assistance with child support issues, contact the OCSS at 216-443-5100.

To report child abuse or neglect in Cuyahoga County, call 216-696-KIDS.
Community Outreach & Resources

Prevention, advocacy & education

With more than 40 years of experience working in the Criminal Justice System, Prosecutor McGinty recognizes that a community cannot prosecute its way to safer neighborhoods. Since he took office, he has committed to developing and expanding crime prevention efforts, community education and other resources for citizens of Cuyahoga County. As statistics bear out, this combined approach of prosecution and prevention has reduced crimes charged over the past three years, especially among some of the community’s most vulnerable groups.

Crime Prevention
Some of the office’s most successful crime prevention efforts over the past few years have focused on children and teens.

First Assistant Prosecutor Duane Deskins serves as the Director of Juvenile Crime Prevention, and in this capacity has spearheaded a number of crime prevention strategies. The office has partnered with Cuyahoga County Juvenile Court, nonprofit anti-violence organization The Whoamian Movement and with area high schools to host National Signing Day, during which high school athletes commit to a code of conduct condemning sexual and dating violence.

The office also has produced, for the past several summers, a comprehensive list of summer camps and programs available to Cleveland-area youth to help them stay busy and out of trouble while school is out.

Community Education
The Ohio Internet Crimes Against Children Task Force continues to provide presentations to children, teens, parents, teachers and other concerned citizens about online safety. Assistant Prosecuting Attorneys specializing in areas such as elder abuse, real estate tax foreclosure, family law or the sealing of public records meet with community groups and attend events to talk about these important topics. Members of the office also volunteer with the Legal Aid Society of Cleveland to provide one-on-one guidance to members of the public seeking legal advice.

Outreach
Our employees are enthusiastic participants in community outreach throughout the year. Through Operation Child Protect, volunteers produce child identification kits at large community events such as Parade the Circle at University Circle, Lakewood Summer Meltdown and National Night Out Against Crime. At these events, volunteers from all divisions of the office staff stations to take photos, fingerprints and DNA swabs of children. These kits are provided to the children’s parents or guardians to keep on-hand in case of emergency.

Student athletes pledge to stand up against dating violence and sexual violence.

Ohio ICAC Analyst Caroline Wathey talks to a parent about social media and online safety.

Volunteers help assemble child identification kits at Parade the Circle in University Circle in June 2016.
Community Resources

Resources for Victims
The Victim-Witness Unit provides intensive services to victims of crime whose cases are being prosecuted through the office, with a special focus on violent crime, sexual assault cases and cases in which children are among the victims. The office also provides victim notifications to keep victims informed throughout a case’s progression.

Requesting Public Records
Government records are the people’s records; thus the office serves merely as a trustee. The office seeks to fulfill public records requests in a timely, thorough and courteous manner. Requests can be submitted online, via email, letter, fax, phone or by in-person request to the office during business hours. Records requests for criminal cases cannot be honored or completed until after the file is closed.

Conviction Integrity Unit
Information for submitting a case for review to the Conviction Integrity Unit, along with relevant forms, is available online. If the convicted offender is represented by counsel, all communication with the office must be through the attorney.

Request a Speaker
Schools, clubs and other organizations can request a speaker from the office by visiting the office’s website or by sending an email to info@prosecutor.cuyahogacounty.us.

Sealing a Public Record
A criminal record can make it difficult to find a job or housing. Allowing low-level and first-time offenders opportunities to better their lives and find alternatives to crime is a key part of our Office’s commitment to promote safer communities. To this end, Prosecutor McGinty has a team of assistant prosecuting attorneys who review applications for sealing (often called “expungement”) of records of eligible offenders. More information about eligibility and the request process is available online.

Learn more about each of these resources. Visit www.prosecutor.cuyahogacounty.us and click on “Community Resources.”

Victim Advocacy

A voice for victims
Being a victim of crime can be a devastating experience. And encountering the criminal justice system as a victim—learning how the process works, being faced with testifying in court, and communicating the impact of the crime—can be a harrowing experience of its own. Which is why Prosecutor McGinty committed to growing the number of victim advocates employed by the office during his tenure, from two in 2013 to six by the end of 2015. They are compassionate supporters throughout the judicial process, accompanying survivors to hearings, assisting with victim impact statements, helping to file Crime Victim Compensation applications, explaining the parole process, and checking on victims’ well-being.

Victim Advocate Jeanette Pellot-Ayala accompanies a victim in the courtroom during a sentencing hearing. Advocates support victims throughout the criminal justice process, helping them understand their rights and ensuring their voices are heard.
Combating the evolving epidemic of heroin addiction

In 2015 and 2016, the Prosecutor's Office continued to invest forfeiture funds for the "Let's Face It" campaign that was launched in 2014. This campaign was created to raise awareness about heroin abuse in the community, as it continues to take lives at a staggering pace, across all demographic groups and throughout the county's cities and suburbs.

The campaign's expansion included the production of a public service announcement video called "SIGNS," which demonstrates that seemingly benign objects, habits and environmental clues can actually be a sign of heroin abuse among loved ones. SIGNS has been viewed on YouTube more than 30,000 times and has been shared among schools, community organizations and other counties. The producers of the video received a 2015 Addy Award from the American Advertising Federation of Cleveland for the campaign.

The SIGNS video, as well as testimonials, resources for addiction treatment, Cuyahoga County statistics and information about helping someone struggling with a heroin addiction are available at letsfaceheroin.com. Visitors can also follow this campaign on Facebook, Twitter and YouTube.

Innovating gang investigations and prosecutions

Street gangs are a scourge in too many Cuyahoga County neighborhoods. Their lawlessness endangers and disrupts the lives of good, hard-working people. Their retaliatory violence can turn parks, playgrounds and even street corners deadly for innocent bystanders. They have murdered rivals, intimidated witnesses and even threatened judges.

That's why since this Office devotes special attention to these groups. We have assigned prosecutors in the Criminal and Juvenile Divisions to identify and target gang members and have brought sweeping indictments against more than a dozen groups. Using racketeering and gang activity statutes, we have held them accountable for not only their random acts of violence, but also for their criminal enterprises, which include drug and gun sales, burglaries and ATM heists.

Through the new Crime Strategies Unit, we have also served as a hub for police from throughout the the region to share information, map trends and collaborate to build strong cases against these criminals.

“We continue to work hard on efforts to help young people make better choices and offer second chances to those willing to change," said First Assistant Prosecutor Duane Deskins. “But we remain determined to stop these criminal gangs from shattering the homes and hopes of our citizens.”

2015- 2016
Gang Prosecution Highlights

- **February 2015**: Police round up members of the Cutthroats after secret indictment. 11 adults convicted; sentences range up to 13 years.
- **October 2015**: Cutthroats’ Robert George guilty of Aggravated Murder, gets life sentence.
- **October 2015**: BBE 900’s Sterling Manning sentenced to 31 years for Manslaughter and Gang Participation.
- **November 2015**: More than 50 defendants from BBE 900, DTO, 1300 SPE and 30 Low arrested for series of orchestrated break-ins.
- **Fall 2015/Summer 2016**: 9 members of Lakeview 2 Locke convicted on gang participation charges.
- **June 2016**: 3 JPARK members get life sentences for killing innocent 20-year-old woman during retaliation shooting.
- **Summer/Fall 2016**: 12 members of the rival Fleet Boys and Broadway Boys convicted in series of retaliatory shootings. Sentences total 148 years.
In memoriam: Louis Stokes

In both 2015 and 2016, the Prosecutor’s Office hosted Black History Month programs celebrating the achievements of the late Stephanie Tubbs Jones, who was Cuyahoga County Prosecutor from 1991 to 1999. Our keynote speaker in 2015 was Clarence Jones (left), attorney and speechwriter for the Rev. Dr. Martin King. In 2016, the keynote was given by the Rev. Andrew Young (top left), one of Dr. King’s closest aides in the Civil Rights Movement. A highlight of the 2015 event came when WESS Anchor Leon Bibb presented Louis B. Stokes with a cake for his 90th birthday. Former Congressman Stokes died that summer leaving behind a legacy of integrity, kindness and selfless public service.

Still searching

Seeking Justice for Amy Mihaljevic

The kidnapping and murder of 10-year-old Amy Mihaljevic has haunted Bay Village and all of Greater Cleveland since October 27, 1989. But law enforcement has never stopped working the case, and in June, investigators asked the public to help identify a newly significant piece of evidence.

It appears to be homemade curtain and was found in an Ashland County field not far from where Amy’s body was recovered in February 1990. But a review of evidence led by retired FBI agent Phil Torsney – hired by Prosecutor McGinty to reexamine the case – discovered hair from the Mihaljevic family dog on the fabric. That indicates it was used to transport her body.

“This curtain is a one of a kind,” said Bay Village Police Chief Mark Spaetzel. “Someone made this. Someone saw this prior to (Amy’s disappearance). Anyone with any knowledge of this curtain, we need you to come forward.”

The new revelation drew local and national press coverage and tips that investigators continue to pursue – and will until this crime is solved.
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