



# The Indiana Prosecutor

1st Quarter, 2017

## 2017 is off to a great start at the IPAC

It is hard to believe the legislative session is moving into the final weeks. Your legislative committee and the IPAC staff are fully engaged and working hard to represent the interests of prosecutors and public safety. We like the way things are headed, but



much can change in the final month. There will be a presentation at the spring seminar on all of the important legislative developments.

Although the General Assembly has kept us moving, we are excited to welcome three new staff members to the office. As you know some of our experienced staff moved on to other opportunities and they will be missed.

Shaunestte Terrell and Lacey Berkshire are two new staff attorneys. Shaunestte is from the Marion County Prosecutor's Office. She is a dedicated community volunteer and serves with several organizations, including the United Way. She will serve as domestic violence/sexual assault resource

prosecutor. Lacey was recently employed with the Indiana Credit Union League as their director of advocacy. She interned with the Cass County Prosecutor and with Governor Mike Pence's office and she was a Borst Fellow with the Indiana Senate. She will be our new legislative liaison. I am grateful to Prosecutors Karen Richards and Jeff Arnold who assisted in Shaunestte's selection and to Prosecutors Pat Harrington and Dustin Houchin who assisted in Lacey's selection.

Most of you will get to know our new administrative assistant, Austin Sieracki. Austin is the person most of you will speak with when getting in touch with our office, when registering deputies for Lexis Advance, and when coordinating the submission of documents for CLE approval. Austin is a graduate of Ball State and was most recently employed with the

### Some Thoughts...

By  
**David N. Powell**  
IPAC Executive Director



Department of Homeland Security.

Despite all of our busy schedules, I want to pass along an opportunity to mix a little business with some fun. Each year, Mental Health America puts on its Hoosier Idol social and fundraiser (see related article at left). This year promises to be particularly entertaining, especially for prosecutors. Attorney General Curtis Hill and Senator Erin Houchin will both perform at the event.

As you know AG Hill is a former prosecutor and Senator Houchin is the spouse of the Association's Legislative Committee Co-Chair, Prosecutor Dustin Houchin. AG Hill and Senator Houchin will undoubtedly be worth the price of admission. If they aren't enough to pique your interest, know that Hoosier Idol is well attended by legislators. If you are interested in participating, ticket information and a link are provided in the article at left. If you have questions, contact Connie Smith our public affairs officer.

As always, we appreciate all you do. Please stay in touch. I hope your 2017 is off to an exciting and productive start.

## Elvis in the building: Hoosier Idol 2017

The word is that Indiana Attorney General Curtis Hill will entertain, along with members of the Indiana General Assembly, Tuesday April 11 for the 2017 Hoosier Idol benefiting Mental Health America of Indiana.

The attorney general is expected to get his Elvis on while Indiana legislators perform acts such as singing, dancing, magic acts, and other talents to

compete to become the next Hoosier Idol. The event also features a light dinner buffet during the reception and a silent auction.

The event is held at the Indiana Roof Ballroom, 140 W. Washington Street, Indianapolis. The reception begins at 6 p.m. and tickets are \$125 per individual; \$500 for a table of four and \$1,000 for a table of eight. Click this link for [Registration](#).

# Legislative Update

By Lacey Berkshire  
IPAC Legislative Liaison

Contact Lacey: [lberkshire@ipac.in.gov](mailto:lberkshire@ipac.in.gov)

As many of you know, I was recently hired by the IPAC as your new Legislative Liaison. I am excited to be here and look forward to working with each of you. Please do not hesitate to reach out if there is anything I can do to help – I am eager to serve as a resource for you in any way I can.

### General Assembly Reaches Halfway Point

The Indiana General Assembly wrapped up the first half of the legislative session at the end of February. At this time, all bills that did not pass out of their chamber of origin are considered dead. This year, 675 bills were filed in the House of Representatives, and only 164 of those survived the first half. The Senate introduced 570 bills this session, but only 198 will move across the hall to be read in the House.

The IPAC experienced a number of legislative victories over the past couple months, including the passage of Senate Bill 322, authored by Senator Erin Houchin (R-Salem), and House Bill 1577, authored by Representative Greg Steuerwald (R-Avon). If enacted, these measures would require all felony arrestees to submit a DNA sample via cheek swab. The bills also provide a number of procedural safeguards to address any constitutional concerns that may arise in practice. Each of these bills received widespread bipartisan support and we expect that to continue into the second half of session.

Senate Bill 324, a measure aimed at cracking down on heroin dealers, also passed out of the Senate with a vote of 40-10. The bill, also authored by Senator Houchin, would allow aggregate amounts of heroin dealt over 90 days to be filed in a single charge of dealing in heroin. In

addition, SB 324 makes Level 2 and Level 3 dealing in heroin nonsuspendible if the person has a prior felony conviction. The IPAC supported this bill in the Senate, and will continue to monitor this bill as it makes its way through the House.

The IPAC also supported House Bill 1064, which would clarify that a person must have accumulated at least one of the required prior unrelated felony convictions within 10 years in order to be sentenced as a habitual offender. Authored by Representative Steuerwald, HB 1064 passed out of the House unanimously.

Another of the IPAC’s priority bills, House Bill 1406, received unanimous support. This bill, authored by Representative Tom Washburne (R-Inglefield), provides that a person who manufactures or finances the manufacture of methamphetamine may be charged with Level 4 felony methamphetamine manufacturing.

House Bill 1312 and Senate Bill 170, both supported by the IPAC, also passed out of their original chambers. HB 1312 and SB 170 amend the criminal statutes concerning robberies of pharmacies. HB 1312, authored by Representative Sally Siegrist (R-West Lafayette), provides that the taking of a controlled substance from a pharmacist or a pharmacy constitutes robbery, a Level 4 Felony. The bill also provides enhancements if the robbery is committed with a deadly weapon or results in bodily injury. SB 170, authored by Senator Mike Young (R-Indianapolis), would allow juveniles who commit robberies to be waived into adult court if the juvenile intended to obtain a prescription drug and he or she stated, indicated, or implied that they were armed with a deadly weapon.

To read more about these and other bills, visit the Indiana General Assembly’s website [here](#).

### Looking Ahead

The IPAC will continue to closely monitor legislation as it moves through the process at the Statehouse. As in previous sessions, we will be prepared to testify in committee as bills we both support and oppose receive hearings. If you are interested in testifying on a bill, please let me know. We can be helpful in providing directions and parking information as well as tips for testifying.

### Team justice does it all...



IPAC Traffic Safety Resouce Prosecutor Chris Daniels performs audio visual duty for a recent training.

### Indiana Prosecuting Attorneys Council

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**David N. Powell**  
Executive Director

**Chris Naylor**  
Assistant Executive Director

**J T. Parker**  
Deputy Director Civil/Administrative

**James Oliver**  
Deputy Director Criminal Law

**Daniel Miller**  
Drug Resource Prosecutor

**Chris Daniels**  
TSR Prosecutor

**Shaunette Terrell**  
DV/SAR Prosecutor

**Robin Bischof**  
Staff Attorney

**Karla Mantia**  
Title IV-D Policy Liaison

**William F. Welch**  
IV-D Staff Attorney

**Lacey Berkshire**  
Legislative Liaison

**Connie Smith**  
Public Affairs Officer

## New faces: Domestic violence/sexual assault, legislative, office admin

The IPAC is back to a full complement of staff with the addition of Domestic Violence/Sexual Assault Resource Prosecutor Shaunette (rhymes with honesty) Terrell, Legislative Liaison Lacey Berkshire and Administrative Assistant Austin Sieracki.

**Shaunette Terrell** comes to the IPAC from the Marion County Prosecutor’s Office where she was assigned to the Special Victims Unit and the Human Trafficking/Missing Persons Unit and consulted with the U.S. Attorney’s Office. A graduate of Purdue and the IU McKinney School of Law, she teaches courses in Criminal Justice at Harrison College, and serves on numerous boards and task forces including: the Indiana Protection for Abused and Trafficking Human Task Force; the Commercially Sexually Exploited Children Working Group; Drug Free Marion County, where she is vice president; and the Indianapolis Bar Association Criminal Justice Section Committee, where she is the chairperson.



**Shaunette Terrell**

For Indiana prosecutors, she will provide legal research and aid in trial preparation in investigating and prosecuting crimes of domestic violence or sexual assault. She will also participate in statewide trainings for prosecutors.

**Lacey Berkshire** is well experienced in the legislative chambers of the Indiana General Assembly. She was formerly director of advocacy for the Indiana Credit Union League, where she lobbied for the interests of credit unions at the state and federal levels. She is a member of the Indiana



**Lacey Berkshire**

State Bar Association, the Indianapolis Bar Association, the Governmental Affairs Society of Indiana, the 2016 Class of the Indiana Leadership Forum, and the Indiana POWER Caucus.

She is a native of Logansport and a graduate of DePauw University. In 2016, she received her law degree from IU McKinney School of Law and a Master of Public Affairs from IUPUI’s School of Public and Environmental Affairs. During her time in law and graduate schools, she interned for Cass County Prosecutor Lisa Swaim, the Indianapolis Airport Authority, Governor Mike Pence, and Ice Miller. She served as the Indiana Senate’s Borst Fellow in 2015, where she focused on fiscal policy and helped craft Indiana’s \$31 billion biennial budget.

**Austin Sieracki** formerly worked at the Indiana Department of Homeland Security and was a district office intern for U.S. House of Representative Luke Messer. Born and raised in South Bend, he graduated from Ball State University where he received a B.S. in Legal Studies with minors in Political Science and Criminal Justice. While at Ball State, Austin was a member of Pi Sigma Alpha (political science honor society), Lambda Epsilon Chi (paralegal studies honor society), and Sigma Phi Epsilon.



**Austin Sieracki**



## Tipton County, pretrial pilot sites set expectations

Elected prosecutors or their representatives of the 11 Indiana Evidence-Based Decision Making pretrial pilot sites attended a workshop February 10 in Indianapolis.

The day-long event focused on expectations for the pilots in the pursuit of a high functioning pretrial justice system.

Attending were: James Luttrull (Grant County Prosecutor), Kenneth Cotter (St.

**At left: Tipton County Prosecutor Jay Rich discusses his county’s experiences as a pretrial pilot site during the Indiana Evidence-Based Decision Making Phase VI Pretrial Justice Workshop in Indianapolis.**

Joseph County Prosecutor), Tom Sanders (St. Joseph County Chief Deputy), Brian Gensel (Porter County Prosecutor), Karen Richards (Allen County Prosecutor), Lee Buckingham (Hamilton County Prosecutor), Nick Bourff (Starke County Prosecutor), Clarence Leatherberry (Jefferson County Deputy Prosecutor), Trisha Bushey (Monroe County Deputy Prosecutor) and Lindsey Kay (Bartholomew County Deputy Prosecutor). Also attending were Vicki Becker (Elkhart County Prosecutor), David Powell, (IPAC Executive Director) and Stephen Creason (Indiana Attorney General’s Office).

# Calendar of Events

**Evidence Boot Camp**  
Indianapolis  
March 30

**Trial Advocacy II**  
**Prosecuting the Drug Dealer**  
Bloomington  
April 18-20

**Visual Trial**  
Indianapolis  
May 10-11

**Applied Professionalism**  
Indianapolis  
May 12

**Spring Seminar**  
Indianapolis  
May 19

**IPAC Summer Conference**  
Bloomington  
June 14-16



At left are Executive Director David Powell, Marion County Prosecutor Terry Curry, Legislative Lobbyist Sabra Northam and Rep. Ben Smaltz.

Next page, at right, Delaware County Prosecutor Jeff Arnold discusses legislation with Rep. Randall Lyness.

Next page, at far right is Senate President Pro Tempore David Long.

At right, Washington County Prosecutor Dustin Houchin confers with Sen. David Niezgodski and Sen. Erin Houchin.

Below left is Wells County Prosecutor Andrew Carnall and Sen. Travis Holdman.

Below right, Lt. Governor Suzanne Crouch stopped by to converse with Vanderburgh County Prosecutor Nick Hermann.

## 2017 legislative lunch





**Legislative lunch promotes discussion among prosecutors, their senators and representatives**



Above, Clinton County Chief Deputy Christine Smith and Prosecutor Anthony Sommer (right), visit with Rep. Heath VanNatter.



Above are Allen County Chief Deputy Mike McAlexander and Rep. Bob Morris.  
At left, Tippecanoe County Prosecutor Patrick Harrington and Madison County Prosecutor Rodney Cummings speak with Rep. Terri Austin.

# Training brings e-filing nearer to reality for Indiana IV-D offices

Forty-seven IV-D trainees from 26 counties learned the best legal practices for e-filing implementation during the first of two training sessions, February 28 at the Indiana Government Center in Indianapolis.

A panel from counties that have already implemented the transfer to e-filing told counties yet to transfer to the new process, procedures and challenges that they faced, as well as office workflow and best practices for meeting those challenges. The transfer to e-filing often requires document modifications, confidentiality changes, motions practice, service of process changes and other concerns. Participants were encouraged to ask questions and anticipate problem solving.

Panelists included Andre Miksha, chief deputy prosecutor, Hamilton County; Kristy Smith, IV-D supervisor, Hamilton County; John Owen, deputy prosecutor, Marion County; Mike McGuire, deputy prosecutor, Marion County; Pam Benedix, IV-D office manager, Elkhart County and Olga Glossett, IV-D administrator, Elkhart County.

The e-filing workshop will be repeated on April 27th and reservations are being accepted through April 7. E-mail Amy Burgher, [amburgher@ipac.in.gov](mailto:amburgher@ipac.in.gov), for registration info.

At right, John Owen of Marion County and Bill Welch, IPAC IV-D staff attorney, clarify e-filing's fine points. Below, Andre Miksha of Hamilton County discusses document modifications that may be necessitated by e-filing.



## Honing those essential trial skills

IPAC hosted an Essential Trial Skills training January 19-20 in conjunction with the Marion County Prosecutor's Office. Twenty-two deputy prosecutors from Marion and surrounding counties attended the two-day trial skills course. The faculty was comprised of Marion County deputy prosecutors and IPAC staff. The introductory Essential Trial Skills course was developed to teach trial skills to new deputy prosecutors in a short two-day format. While similar to a Trial Advocacy 1, Essential Trial Skills lacked the substantive lectures included in a typical trial advocacy course, focusing simply on opening statement, direct examination, cross-examination, and closing argument.



Above, Madison County Deputy Prosecutor Matt Derringer practices essential trial skills. At left, IPAC Criminal Law Chief Jim Oliver discusses, opening statements, direct examination, cross examination and closing arguments.



# Media Quotes of Note

## [Charges filed in "one of the largest meth seizures in State history"](#)

"The magnitude of this seizure really cannot be overstated. Methamphetamine has long been a problem in Noble County. While changes in the law have made locally-made methamphetamine somewhat less of a problem, we are seeing a rise in laboratory-manufactured crystal methamphetamine being brought into our area from out-of-state."

**Eric Blackman**  
Noble County  
WOWO  
January 5, 2017

## [Prosecutor seeks funds from clinic's seizure](#)

"The federal government needs to be reimbursed, but we have some expenses from the investigation that was done by Madison County. The local law enforcement agencies should be compensated for their expenses."

**Rodney Cummings**  
Madison County  
Anderson Herald Bulletin  
January 8, 2017

## [Warrick Co. fighting drug epidemic, hires new drug attorney](#)

"We want to make sure that the people that need the treatment get the treatment, but, we also want to cut the head of the snake off, we want to make sure that those that are bringing this stuff into our community are being dealt with in the manner in which they need to be."

**Michael Perry**  
Warrick County  
WAVE3  
January 11, 2017

## [Dozens of drug arrests made in Johnson County](#)

"(We are) taking the drug dealers and the poison they have off our streets and away from the kids that are basically overdosing and dying at this point in time."

**Brad Cooper**  
Johnson County  
Indy Star  
March 7, 2017

## [Prosecutor says cops likely have met Delphi killer](#)

"I go back before DNA and cell phones, and I certainly would have said, if experienced investigators, as we have in this case, had the evidence that was available in this case, I would expect them to solve it within a month. That's without DNA and cell phones which are a big part of what's going on here."

**Rob Ives**  
Carroll County  
Fox 59  
March 14, 2017

## [Officials mull new jail amid continued overcrowding](#)

"We can help these people get where they're going, but there's no place to do it in Decatur County."

**Nathan Harter**  
Decatur County  
Greensburg Daily News  
January 19, 2017

## [Good news, bad news in Dearborn County heroin overdose statistics](#)

"A lot of addicts themselves have told us they're turning to methamphetamine, because while you can inhale and ingest meth, you're not going to necessarily die from it, unlike heroin."

**Lynn Deddens**  
Dearborn/Ohio County  
WCPO  
January 31, 2017

## [Local case uncovers why ICE allows felons back into the community](#)

"The frustration is with the system not the officers that work with this. Federal law doesn't allow them to share certain information with us. Sometimes they do remove them from the local jail and take them to a federal system for a hearing on the deportation, and then we are never advised what happened to them. Were they actually removed from the country or were they released?"

**Pat Harrington**  
Tippecanoe County  
WLFI  
February 7, 2016

## [FOX59 investigates the number of unprosecuted rape cases in Indiana](#)

"Ultimately, sometimes it can come down to there may be only two people in the world that know what happened on a particular day at a particular time and you've really got to look at all the factors if that's enough evidence to proceed."

**Brent Eaton**  
Hancock County  
Fox 59  
February 15, 2017

## [Goshen double homicide suspect may be charged with obstruction of justice](#)

"His behavior was offensive to the court and it's the reason criminal contempt is available to the court to impose. But it's much bigger than that: It's offensive to the people of this county and of the state of Indiana."

**Vicki Becker**  
Elkhart County  
Elkhart Truth  
February 17, 2017

## [Local officials sound the alarm on elder abuse](#)

"Despite what a lot of people might think, most of the cases that are investigated by Adult Protective Services, are self-neglect. There is someone who is elderly, who wants to be independent, wants to take care of themselves, and they're just not able to do so to the point where they're in physical distress."

**Ken Cotter**  
St. Joseph County  
WNDR  
February 22, 2017



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