



# The Indiana Prosecutor

1st Quarter, 2018

2018 is off to a fast start. Election years are always different and certainly more dramatic. We wish everyone the best as they work through the challenges of finding time for politics and work.

We know that a number of prosecutors are retiring or running for a different office, so we expect a pretty significant turnover this year. We have already begun our preparation for the 2018 Newly Elected Course.

Thank you for all of the positive feedback regarding the 2017 Winter Conference. We put a lot of work into these big conferences and your support makes our efforts worthwhile. We do look at your evaluations and try to accommodate recommendations you provide.

Despite being a short session, the legislative days are

## Some Thoughts...

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



already flying by. It is really hard to explain the ups and downs of each day, but they are real. The challenge is to not let this roller coaster drive you off the rails. It's too early to know how it will all turn out, but we will do our best to represent your interests. You do have a very dedicated and hardworking team advocating on your behalf. I sincerely appreciate the hard work of the prosecutors serving on the legislative committee. They are force multipliers and our success often depends on them.

Lastly, I want to thank everyone who either attended or supported our advanced jury selection course. It may have been the most challenging course we have offered. The students who were able to attend overwhelmingly praised the course. Some reported it was the most helpful training they have ever received. The faculty was outstanding and we will ask

See Powell, Page 2



Daviess County Prosecutor Dan Murrie and trial consultant Amy Pardieck share effective jury techniques with students during the Voir Dire course.

## Check Your IPAC Prosecutor Page for Accuracy, Current Content

Did you know every prosecutor is listed on the IPAC web site Find Your Prosecutor page? The main Find Your Prosecutor page lists the name, contact information and web site (if any) for each county. It also links to a page for each prosecutor that has space for a photograph and biography.

The public uses IPAC's Find Your Prosecutor pages to find out about their local prosecutor. In the 4<sup>th</sup> quarter of 2017, the main Find Your Prosecutor page (<http://www.in.gov/ipac/2330.htm>) was the third most viewed page on the IPAC site with nearly 3,000 views! While



Find Your  
Prosecutor

one might expect prosecutors from large counties to have a large number of views, prosecutors from small counties also have what might be considered a large amount of page "traffic." Sixty prosecutor's pages are among the top 100 pages viewed on the IPAC site.

With that in mind, please check out the content of your Find Your Prosecutor Page, if you find a missing or outdated photo, incomplete information or a missing link to your office web site, please e-mail Connie Smith - [cosmith1@ipac.in.gov](mailto:cosmith1@ipac.in.gov) – to update your page information.

# Legislative Update

By **Lacey Berkshire**  
IPAC Legislative Liaison

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

## 2018 Legislative Session

The 2018 Legislative Session is in full swing at the Statehouse. Members of the General Assembly convened on Wednesday, January 3, and will have ten weeks to finish business by March 14. The focus of caucus leadership this year is on Sunday alcohol sales, fighting the opioid epidemic, improving workforce development, and addressing school funding.

## IPAC Legislative Priorities

IPAC has a number of irons in the fire this session as well. Our priority bills this year include Senate Bill 108, which makes possessing or dealing a synthetic drug an offense of the same level as the drug it mirrors. The current penalties for synthetic drugs are infractions and misdemeanors, which we believe are inappropriate in light of the havoc designer drugs wreak in communities throughout Indiana.

We are also focusing efforts on the passage of House Bill 1359, which creates a new crime of Drug Dealing Resulting in Death, to be utilized in cases where a victim has overdosed. The bill was recently named as one of Governor Holcomb's top legislative priorities as well.

Finally, Senate Bill 64 is also high on our radar. SB 64 is a legislative fix to the *Stafford* case, recently decided by the Court of Appeals in October. As many of you are aware,

plea bargaining in Indiana would effectively end if *Stafford* were to stand. SB 64 passed out of the Senate Corrections and Criminal Law Committee last week, and will be heard on second reading in the full Senate this coming week.

We are closely following many other important bills, including those dealing with cannabidiol legalization, civil forfeiture, sexual assault, drug dealing penalties, human trafficking, and impaired driving. Don't hesitate to contact me should you have any questions concerning these or other measures.

## Testifying at the Statehouse

As in previous sessions, we are 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.

## Weekly Statehouse Report

I distribute a Statehouse report to members of the IPAC Board and the Legislative Committee every week. If you would also like to receive this report, please send me your preferred email address and I will add you to the distribution list.

## Calendar of Events

**Implicit Bias Training**  
Indianapolis - February 2

**Drug Trial Advocacy**  
Indianapolis - February 6-8

**Evidence Boot Camp**  
Indianapolis - March 8

### Indiana Prosecuting Attorneys Council

302 W. Washington St., Room E205  
Indianapolis, IN 46204  
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[www.in.gov/ipac](http://www.in.gov/ipac)



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Deputy Director Civil/Administrative

**James Oliver**  
Deputy Director Criminal Law

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Drug Resource Prosecutor

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TSR Prosecutor

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

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

**Lacey Berkshire**  
Legislative Liaison

**Connie Smith**  
Public Affairs Officer

## Powell

Continued from Page 1

some of the students to come back and help teach the second version. We will make a few adjustments and offer it again sometime in 2018. This course was something I have wanted to do for a very long time. We have received some national recognition for the course. North Carolina, Missouri and Arizona have all asked for our curriculum.



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## Prosecutor News

Two new prosecutors took office January 1 - **Nicholas McLeland** who succeeds **Robert Ives** in **Carroll County** and **David Sutter** who succeeds **Chad Lewis** in **Jefferson County**.

\*\*\*\*

**Madison County** Prosecutor **Rodney Cummings** recently appeared over the airwaves as a guest of Seattle talk radio KVI commentator John Carlson. The two discussed Madison County's needle exchange program that was defunded in August 2017 by the county council. A Washington, D.C. publication is expected in the county in late January to further cover the issue.

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**Jasper County** Prosecutor **Christine Bogan** (formerly Haskell) was married in October to T.J. Bogan.

\*\*\*\*

**Michael McAlexander** (Allen County), **Jeffrey Arnold** (Delaware County), **Todd Corn** (Greene County), **David Powell**



Christine and T.J. Bogan.



From left, 30-year honorees: David Powell, Jeffrey Arnold and Michael McAlexander.

\*\*\*\*

**DeKalb County** Prosecutor **ClaraMary Winebrenner** was



From left: Travis Glick and Greg Kenner (LaGrange County), John Nimmo (Noble County), Jeremy Musser (Steuben County) and ClaraMary Winebrenner (DeKalb County).

(IPAC) and **Douglas Brown** (Vanderburgh County) were all recognized for 30 years (or more) of service during IPAC's Awards Program, Dec. 4, during the Winter Conference.

the organizer of a recent meeting of Northeast Indiana prosecutors. **DeKalb, Steuben, LaGrange and Noble** counties were represented. Prosecutor Winebrenner

believes that informal meetings between prosecutors promotes cooperation and an exchange of information and ideas.

Send your prosecutor news information or photographs to [cosmith1@ipac.in.gov](mailto:cosmith1@ipac.in.gov)



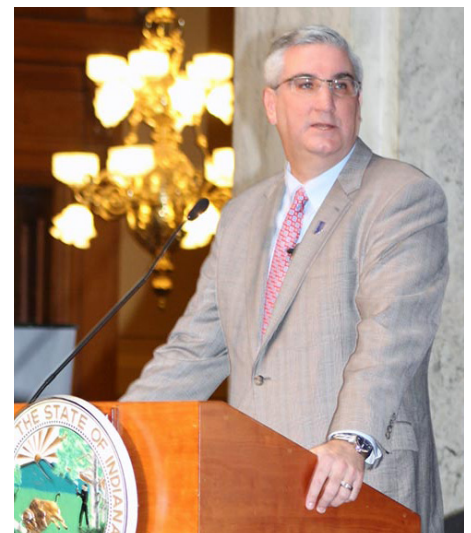
Ripley County Prosecutor Ric Hertel presents a thank you plaque to outgoing Association president Patricia Baldwin, Hendricks County Prosecutor. Hertel will serve as Association president for 2018.

## Drug Epidemic Part of Governor's Next Level Legislative Agenda

Indiana prosecutors supported Governor Eric Holcomb's 2018 NextLevel agenda as he outlined proposals to attack the drug epidemic, November 8.

Criminal code proposals include:

- Establishment of felony charges for drug-induced homicide and for those who illicitly manufacture drugs that result in drug-induced death.
- Requiring physicians to check the state's prescription drug monitoring program, INSPECT, before issuing first prescriptions for opioids and benzodiazepines.
- Improve reporting of drug overdose deaths.
- Increase the number of FSSA-approved opioid treatment locations.
- Initiating a state referral process that links patients directly to available inpatient and residential treatment.



Governor Eric Holcomb announces his Next Level legislative agenda for 2018



# IPAC Presents ‘Shine’ Feller, Stephen Johnson, Legislative & LE Awards



Former Jefferson County Prosecutor Chad Lewis (left) received the Eugene “Shine” Feller Award from Executive Director David Powell.



Martin County Prosecutor Mike Steiner nominated Chief Deputy Larry Brodeur for the Stephen Johnson Award.



DNA and other legislation earned Sen. Erin Houchin an IPAC Legislative Award from Tippecanoe County Prosecutor Pat Harrington.



IFD’s Lt. Mario Garza (left) and IMPD Det. Sgt. Jeffrey Wager (right) received IPAC’s Law Enforcement Award for their “unprecedented investigation” of the Richmond Hill explosion. With them is Marion County Prosecutor Terry Curry



Longtime proponent of DNA testing of felony arrestees, Indiana Representative Patrick Bauer (center) with his wife Karen, was honored for legislative excellence by St. Joseph County Prosecutor Kenneth Cotter.



The smooth operation of the IPAC office is in large part due to the efforts of Sharon Everling who was honored for 30 years’ service by Executive Director David Powell.



## IPAC Awards: Victim Advocate, Kathy Falkner Richey Honorees



Allen County Domestic Violence Coordinator Catherin Maggart received the Indiana Victim's Advocate Award. She was nominated by Allen County Prosecutor Karen Richards.



Juanita Carter was nominated by Wayne County Prosecutor Michael Shipman and received the Kathy Falkner Richey Award.



Marion County Prosecutor Terry Curry's COO/CFO Cindy Craig received the Kathy Falkner Richey Award.

## Association Tells 'Truth About Marijuana' in Press Conference, Summit



At left, Luke Niforatos of Smart Approaches to Marijuana tells attendees that marijuana use goes hand-in-hand with increased prescription opioid abuse.

Representatives of the Association of Indiana Prosecuting Attorneys, Inc., Smart Approaches to Marijuana (SAM), The Indiana Chamber of Commerce, and the Boone County Sheriff presented on December 6, a press conference and information summit titled, The Truth About Marijuana. The message echoed formal opposition of the legalization of marijuana.

With pro-legalization forces taking aim at Indiana, prosecutors and allies disseminated truth about marijuana in its various forms.

Speaking during the press conference were: David N. Powell, executive secretary and Richard Hertel, president of the Association of Indiana Prosecuting Attorneys, Inc.; Luke Niforatos of Smart Approaches to Marijuana; Mike Ripley of the Indiana Chamber of Commerce; Sheriff Mike Nielsen of Boone County; Attorney General Curtis T. Hill, Jr. (via video presentation) and Indianapolis Internist Dr. Palmer MacKie.



Boone County Sheriff Mike Nielsen shares information from Colorado colleagues about that state's experiment with marijuana legalization.



## Voir Dire Training: 'Best...Ever. Period'

For two and a half days in October, 32 Indiana prosecutors and deputy prosecutors dove deep into the psychology and strategy of voir dire in Indianapolis. The Indiana Prosecuting Attorneys Council conceived and conducted the training.

"There is little formal training in voir dire for prosecutors," said Dave Powell, executive director. "We wanted to provide a scientifically-valid process for choosing a jury that will work together to reach a verdict."

The course was offered as a Trial Advocacy 3, geared for major felony prosecutors with significant experience. Two-thirds of the students were elected or chief deputy prosecutors and more than half had 10-plus years of trial experience.

The course featured Amy Pardieck, a jury consultant from Bloomington; John Dill, a plaintiff's attorney from the Orlando office of Morgan and Morgan ([www.forthethepeople.com](http://www.forthethepeople.com)); and NAGTRI's Brendan Ruane ([www.naag.org](http://www.naag.org)), as well as IPAC staff and Indiana prosecutors. Missouri's Steve Sokoloff attended as a guest critiquer.

"With Amy's help, we designed a course to teach that voir dire has three goals, said course director, IPAC Deputy Director for Criminal Law Jim Oliver:

- Develop verbal and non-verbal rapport and ethos;
  - Educate the panel and identify and eliminate jurors who have biases that will prevent them from reaching a verdict; and
  - Build a jury that will work together to reach a verdict,"
- Students attended two days of lecture and completed small-group assignments. Lectures included: Law and Ethics of Voir Dire, Identifying Issues and Drafting Case-Specific

**At right: Morgan County Prosecutor Steve Sonnega, Clark County Prosecutor Jeremy Mull and Hamilton County Prosecutor Lee Buckingham listen intently to speakers.**



**DeKalb County Prosecutor Clara Mary Winebrenner speaks during a break with Brendan Ruane of the National Attorneys General Training and Research Institute. Ruane presented on the Law & Ethics of Voir Dire.**



**Adams County Prosecutor Jeremy Brown (left) and Allen County Deputy Prosecutor Steve Godfrey during a training session.**

Questions, For-Cause Strike Methodology, Identifying Juror Personalities and Team Building and Developing Rapport without Pandering. The course culminated with a hands-on practice voir dire of the fictional case of *State v. Lucas*. Students posed as jurors, who played specific characters with varied personalities.

Each student left with a "Voir Dire Notebook," a three-ring binder with reference material, forms, sample questionnaires and suggested approaches to problems for oral questioning.

"Best training ever. Period." wrote one reviewer.







Above, Rodney Cummings (Madison County) and Dustin Houchin (Washington County) pose with Sen. Eric Koch and Sen. Aaron Freeman.

## Legislative Lunch Brings Together Prosecutors, Legislators



Above, Rep. Jim Pressel exchanged LaPorte County information with John Espar (LaPorte County).



Above, Terry Curry (Marion County) and Sen. Jean Breaux share interest in the Senator's bill that provides for a witness protection pilot program.



Above, Sen. Randy Head greets attorney Brian Burdick. At left, Rep. Dave Heine, Rep. Robert Cherry and Sen. Erin Houchin enjoy the informal break in their legislative routines.





# IPAC Winter Conference



Above, Dan Wilkinson (Spencer County) concentrates on a session topic.



Jeff Arnold (Delaware County), Dan Miller (IPAC) and Daniel Harrison (Marion County) prepare for the Forfeiture Best Practices roundtable. Also on the panel were Jim Bryan (Hendricks County) and Patrick Harrington (Tippecanoe County).



Otto Schalk (Harrison County) (photo left) and Nick Hermann (Vanderburgh County) (photo above) shared a breakout session on Prosecutor Outreach.



A prosecutor can never truly leave the office as D.J. Sigler (Whitley County) demonstrates.



Patrick Harrington (Tippecanoe County) and Director of Investigations Sean Leshney discuss the Tippecanoe County High Tech Crime Unit.



## Border Meetings Support Interstate Cooperation, Understanding

For years, Indiana Child Support professionals have been working at communicating with their peers in other states through “border meetings”, wherein multiple states discuss federal guideline changes, case law updates, differences in doing business, policies, technology and other items. The states also share lists of personnel and other what-you-should-know-to-do-business-with-us information.

In late October, 174 IV-D workers and leaders from five states – Michigan, Indiana, Ohio, Wisconsin and Illinois – as well as the Ho-Chunk Indian nation, met in Middlebury, Indiana for two days. Organized by Indiana’s Child Support Committee, the meeting may have been the most ambitious multi-state child support sharing event yet.

Elkhart County Prosecutor Vicki Becker offered a welcome. Representatives of each state, as well as the Ho Chunk nation, provided overviews of their programs. A session allowing attendees to sort through case scenarios highlighted how states and tribes deal with establishment and modification of support orders and third party custody issues.

Evaluations were positive. “I enjoyed the intergovernmental scenarios breakout and discussion,” said one participant. “It was nice to talk with the other states to see how their jurisdictions work a case.” Another participant suggested the 5-state training should be held more often: “I feel there are always some topics that come up that need to be addressed or shared so that we may all learn what each state is expecting for intergovernmental cases. So I thank you and applaud the committee that put this together.”

IPAC’s IV-D policy analyst Karla Mantia and Warren County, Ohio’s Child Support Enforcement Director Beth Anne Schorr are likely the two individuals with the most experience in multi-state border projects.

Schorr said border meetings are designed to accomplish three goals:



Ohio’s Beth Anne Schorr (at left) and Indiana’s Karla Mantia have promoted border meetings between multiple states.



Elkhart County Prosecutor Vicki Becker welcomed 174 child support workers from five states and one Indian nation to Middlebury. With her is IV-D prosecutor Bruce Wells.

1. Improve UIFSA (Uniform Interstate Family Support Act) understanding and how interstate laws work.
2. Improve understanding of the substantial differences of other states’ functional laws and structures.
3. Improve and understand the role of each state’s team players from across state lines.

The result is, said Schorr, “we build relationships and work together by picking up the phone and problem solving together; we don’t just push papers.”

Border meetings have been conducted on a consistent basis for the last seven years and occasionally for a few years before that. Indiana, Ohio and Kentucky meet annually and additional meetings that include other states are held less often.

“We got the idea from other states,” said IPAC’s Karla Mantia. “Not all regions have border meetings but some do.” Recently, both Schorr and Mantia discussed border meetings with federal region 4 that includes the states of Florida, Georgia and Alabama. “The feds think that border meetings are a great idea,” she said.

“Some parents use state borders to avoid enforcement, or they live in one state and work in another state,” explained Mantia. “Through communication and cooperation we can help each other locate parents and assets to ensure support is paid.”



Ashley Clark of Jasper County examines a display map that shows the five states participating in the border meeting hosted by Indiana in Elkhart County.



# Media Quotes of Note

## New unit will focus on solving Elkhart County homicides, cold cases

"We all wish the number of homicides in Elkhart County would cease entirely. The reality is, that's not probably going to happen. But I hope that when people understand that we are willing to give it this kind of commitment, to not only investigate, but come after any individual who chooses to engage in this behavior, they may think twice and go somewhere else."

**Vicki Becker**  
Elkhart County  
WSBT22  
August 17, 2017

## Forfeiture: Proceeds Of Criminal Activity Pays Law Enforcement Costs

"The Delaware County Prosecutor's Office has had no budget increase in seven or eight years. Forfeiture money allows us to supplement our county budget. I was able to buy all of my deputy prosecutors laptop computers that they could take to court. That may sound primitive but we would not have been able to purchase those laptops any other way."

**Jeff Arnold**  
Delaware County  
WBIW  
August 18, 2017

## Here's what is a hate crime in Indiana, and what isn't

"That's one of the issues that comes up repeatedly in this discussion: 'Are you attempting to punish speech?' No. They could say all sorts of racist and homophobic things and post them on Facebook. That's speech. When they then commit a criminal act against someone because of that characteristic, then that's no longer protected as speech."

**Terry Curry**  
Marion County  
Indy Star  
September 11, 2017

## 15 People Convicted In Securities Fraud Scheme In New Albany

"This case should serve as a reminder that all potential investors should call the Secretary of State's office to verify an investment advisor and the investment are registered and that potential defendants who want to prey on investors should be aware they will be prosecuted and held accountable."

**Keith Henderson**  
Floyd County  
WBIW  
September 28, 2017

## Prosecutor's office, probation, schools work to combat truancy

"Most people would agree that obtaining an education is important in order to make certain that all children acquire the necessary skills for success in adult life. When a student misses a significant number of days, they fall behind in coursework. Once they fall behind, it is extremely difficult to catch up, which often creates a feeling of hopelessness. The end result is that many students end up dropping out of school."

**Michelle Woodward**  
Lawrence County  
Bedford Times-Mail  
September 25, 2017

## Clark County searching for sex offenders who failed to register

"Just since yesterday (Tuesday), my office has filed five of these felony charges against separate offenders who have not registered as required by the law...This would not have been possible 15-20 years ago. We simply have more of them that are not complying with the laws requirements. We are going after them promptly with felony charges, arrest warrants, and incarceration."

**Jeremy Mull**  
Clark County  
WAVE3  
August 31, 2017

## Wabash students accused of trying to steal the Monon Bell from DePauw

"The police believe they had been there a week ahead of time and had sized up what they believe, what sized ratchet they needed to get the bolts off. They did a lot of planning. Took a lot of effort. Uniforms, latex gloves. Obama and Trump masks."

**Tim Bookwalter**  
Putnam County  
The Indy Channel  
October 24, 2017

## More cases require fourth prosecutor

"Right now with the community and national awareness of domestic violence and sexual assaults, more women who were unlikely to come forward are now coming forward. Harvey Weinstein to Bill Cosby to Jerry Sandusky. There always is a stigma for a woman or a man to come forward. If we can say, 'It's OK to come forward, you're not alone in it,' I think that's significant."

**Ric Hertel**  
Ripley County  
Batesville Herald Tribune  
November 1, 2017

## Prosecutor: Exchange's Syringes Should be Labeled

"I am being told that some of the needles from the program are being sold or traded for drugs. I am also being told that drug users are continuing to re-use dirty needles despite having access to clean needles. If that is true, the program may not be having the positive effect of reducing hepatitis C or other communicable diseases as program supporters claim."

**Michael Shipman**  
Wayne County  
Richmond Pal-Item  
November 28, 2017



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