

IN THE COMMON PLEAS COURT OF MONTGOMERY COUNTY, OHIO
CRIMINAL DIVISION

STATE OF OHIO

CASE NO. 2024CR03226

Plaintiff,

JUDGE DANKOF

V.

**DEFENSE’S RESPONSE RELATING
TO JURY INSTRUCTIONS**

JONATHAN LINK

Defendant.

Now comes Defendant, Jonathan Eric Link, by and through counsel, and respectfully moves this Court to instruct the jury regarding the 2002 grand jury “no true bill” to prevent confusion, ensure a fair trial, and safeguard Mr. Link’s constitutional rights.

Mr. Link further moves this Court to reconsider its prior ruling admitting evidence of an alleged suicide attempt as “other acts” evidence under Evid. R. 404(B), as limited probative value is substantially outweighed by unfair prejudice under Evid. R. 403(A). The incident occurred shortly after the funeral of Mr. Link’s girlfriend at the time Shannon Anderson, during a period of profound grief and emotional distress, not as a reflection of guilt. Alternatively, the Court should permit its introduction, the defense requests a limiting instruction directing the jury to determine whether the conduct demonstrates consciousness of guilt or emotional distress unrelated to culpability.

1. The Jury Should Be Informed That a Prior Grand Jury Returned a “No True Bill”

In 2002, a Montgomery County grand jury heard evidence relating to Mr. Link reporting his girlfriend at the time, Shannon Anderson missing to police. The matter evolved into a murder investigation in which Mr. Link became a suspect. After presentation of the evidence, the grand jury returned a “no true bill,” thereby declining to indict Mr. Link. More than twenty years later, in January of 2025, the State re-presented the same or substantially similar allegations, resulting in the current indictment.

The 2002 grand jury’s “no true bill” is not an acquittal, but it is a formal action by a prior grand jury declining to indict. The State will seek to introduce evidence from the 2002 investigation; fairness requires that the jury be made aware that a grand jury previously reviewed these allegations and found insufficient probable cause to indict at that time. Excluding the context of the “no true bill” would mislead the jury and deny Mr. Link of due process. The jury’s truth-finding role depends on full and accurate context. Allowing the State to reference prior investigations without acknowledging the grand jury’s decision would unfairly prejudice Mr. Link, implying that law enforcement’s renewed effort was necessitated by new wrongdoing rather than re-litigation of stale claims. Such partial presentation of history violates *Brady v. Maryland*, 373 U.S. 83 (1963), principles of fundamental fairness, and invites reversible error.

Mr. Link respectfully requests the following instruction to be included in the Court’s final charge to the jury:

“You have heard evidence regarding a prior investigation from 2002. The Montgomery County Grand Jury at that time reviewed the evidence related to these allegations and returned a finding of ‘no true bill’; meaning the grand jury declined to issue an indictment. You may consider that historical fact solely as background and **not as evidence of guilt or innocence**. You are to decide this case solely upon the evidence presented in this courtroom.”

Wherefore, for the reasons stated above, Mr. Link respectfully requests that this Court include the “no true bill” in the final jury instructions.

2. Mr. Link’s Suicide Attempt Lacks a Direct Nexus to the Charged Offense

Mr. Link requests that this Court reconsider its prior ruling admitting evidence of an alleged suicide attempt as “other acts” evidence under Evid. R. 404(B), as limited probative value is substantially outweighed by unfair prejudice under Evid. R. 403(A).

The defense submits that there exists other evidence in the record demonstrating that Mr. Link was suffering from extreme mental distress and grief at the time, arising from the tragic sudden loss of his mother, and then girlfriend Shannon Anderson, and the accusation of him being a suspect in his girlfriend’s death. These circumstances provide an alternative, non-criminal explanation for Mr. Link’s conduct. As such, the probative value of this evidence as to “consciousness of guilt” is speculative at best and is substantially outweighed by the danger of unfair prejudice under Evid. R. 403(A).

In the alternative, should this Court permit its introduction, Mr. Link requests that the jury be instructed to first determine whether the conduct, if proven, was the result of guilt or emotional distress before assigning it any evidentiary weight.

Evidence of a suicide attempt is only admissible if the State establishes a sufficient connection between the act and the alleged offense. *State v. McLaughlin*, 2013-Ohio-5041. Here, the record contains no evidence that Mr. Link’s attempt was motivated by a sense of guilt regarding the charges at issue. The timing and circumstances of the act reflect severe emotional distress arising from the tragic sudden death of his mother, then his girlfriend Shannon Anderson, and the fact that Mr. Link was a suspect in his girlfriend’s death. It is understood that this incident occurred the day after Shannon Anderson’s funeral. However, Mr. Link went to the police station for extensive

questioning where he remained for hours, severely compromising his mental and emotional state. These circumstances strongly suggest that Mr. Link's actions were the result of overwhelming grief rather than a consciousness of guilt relating to the charged offense.

Without a demonstrable nexus, the probative value of this evidence is speculative, and the danger of unfair prejudice substantial risks inviting the jury to punish Mr. Link for self-harm or infer guilt from tragedy.

If the court maintains admissibility, a limiting instruction is required. Should the Court reaffirm its ruling, the defense requests that the Court instruct the jury as follows:

"Evidence has been presented that Mr. Link may have attempted to harm himself. This evidence is not proof of guilty. You may consider it only if you first find that it tends to show a consciousness of guilt relating specifically to the offense charged in this case. If you find it could reasonably be explained by other causes such as distress, depression, or unrelated circumstances, you must disregard it entirely."

This instruction aligns with *State v. Treesh*, 90 Ohio St.3d 460, 480 (2001), recognizing that "consciousness of guilt" inferences are for the jury, not the court, to draw. It also mirrors *State v. Eaton*, 19 Ohio St. 2d 145 (1969), emphasizing that juries must be cautioned not to equate emotional behavior with culpability.

Wherefore, Mr. Link respectfully requests that this Court consider its prior ruling permitting evidence of Mr. Link's alleged suicide attempt. In the alternative, Mr. Link requests that the court give the above limiting instruction to ensure the jury evaluates the evidence, if at all, only within the proper legal parameters without undue prejudice.

/s/ Dennis A Lieberman
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Certificate of Service

I hereby certify that on this 10th day of November 2025 this document was electronically filed via the Court's authorized electronic filing system which will send notifications of this filing to all parties.

/s/ Dennis A. Lieberman

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