

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

STATE OF OHIO,

CASE NO.: 2024 CR 03226

Plaintiff(s),

JUDGE STEVEN K. DANKOF

-vs-

JONATHAN ERIC LINK,

**ORDER OVERRULING MOTION TO  
COMPEL *BRADY* MATERIAL AND  
REQUEST FOR GRAND JURY  
TRANSCRIPTS**

Defendant(s).

This matter is before the Court on Defendant Jonathan Eric Link's ("Mr. Link") October 1, 2025 Motion to Compel Disclosure of *Brady* Material ("the Motion"). The Court has certainly considered any responsive filings related to the Motion.

**I. FACTS AND PROCEDURAL HISTORY**

In July of 2001, Shannon Anderson went missing and her body was later discovered and identified in October of 2001. Law enforcement investigated Ms. Anderson's murder, identifying Mr. Link as a suspect. The case was presented to a grand jury in 2002, which returned a no true bill on July 26, 2002. The case went cold and was reinvestigated starting in 2016. The case was presented to a new grand jury in 2025, which returned an indictment against Mr. Link on January 13, 2025 on two counts of Murder.

The Court ordered that the testimony from both grand juries be transcribed, and the Court has reviewed, *in camera*, those transcripts in their entirety.

**II. LAW AND ANALYSIS**

In the Motion, Mr. Link requests (1) all records of contacts, communications, or meetings by law enforcement, prosecutors, or any government agents concerning Alexandria Walker and Ambree Johnson from 2001 through 2024, including but not limited to interviews, preparation sessions, correspondence, counseling arrangements, or any recorded statements as well as identifying all individuals known to the State or representing the State of Ohio who have had contact with Walker and Johnson between July 27, 2002 and the present, and (2) all testimony from the 2002 and 2025 grand juries.

As to disclosure of records of contacts, communications, and/or meetings by State agents with Alexandria Walker and Ambree Johnson, at an October 23, 2025 hearing herein, the State assured the Court and Defense counsel that these disclosures have been made.<sup>1</sup>

As to Mr. Link's requests for disclosure of all testimony from the 2002 and 2025 grand juries,<sup>2</sup> it is a *well-established principle under Ohio law that grand-jury proceedings are secret*.<sup>3</sup>

There is a *limited* exception allowing for disclosure of grand jury transcripts where “the ends of justice require it and there is a showing \* \* \* that *a particularized need* for disclosure exists which outweighs the need for secrecy.”<sup>4</sup> “A particularized need is established when the circumstances reveal a probability that the failure to provide the grand jury testimony will deny the [movant] a fair trial.”<sup>5</sup> “Whether a particularized need exists is a *question of fact for a trial court* to resolve within its discretion.”<sup>6</sup> And a trial court's ruling regarding access to testimony from a grand jury is reviewed for an abuse of discretion.”<sup>7</sup>

“A particularized need for grand-jury testimony *may* arise when such testimony is required to impeach a witness, to refresh recollection, or to test credibility.”<sup>8</sup> However, the Second District has noted that “[i]mpeachment purposes may be a proper basis for disclosure of grand jury testimony, but *that purpose alone is not sufficient*” and “[i]n conjunction with the impeachment purpose, the ‘particularized need’ standard...must still be met.”<sup>9</sup> The Second District has also found that no particularized need exists if the defendant can obtain the information he seeks from the grand jury testimony elsewhere.<sup>10</sup> Further, “grand-jury testimony is not properly disclosed to aid in general discovery.”<sup>11</sup>

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<sup>1</sup> See Court's Exhibit 1.

<sup>2</sup> The Court notes that Defense Counsel has already been provided the 2025 grand jury testimony of the victim's daughters, Alexandria Walker and Ambree Johnson, as well as the names of each witness testifying at either grand jury.

<sup>3</sup> *State v. Gillispie*, 2021-Ohio-4157, ¶ 5 (2d Dist.), citing *Pittsburgh Plate Glass Co. v. United States*, 360 U.S. 395, 399-400 (1959) and *In re Rice*, 2018-Ohio-1087, ¶ 18 (8th Dist.).

<sup>4</sup> *Id.*, quoting *State v. Graham*, 2020-Ohio-6700, ¶ 25, internal quotations omitted, emphasis added.

<sup>5</sup> *Id.* at ¶ 6, quoting *Graham* at ¶ 25.

<sup>6</sup> *State v. Gillispie*, 2021-Ohio-4157, ¶ 6 (2d Dist.), citing *State v. Perkins*, 2010-Ohio-5161, ¶ 45 (2d Dist.), emphasis added.

<sup>7</sup> *Id.* at ¶ 8, citing *State v. Brown*, 38 Ohio St.3d 305, 308 (1988).

<sup>8</sup> *Id.* at ¶ 6, citing *State v. Greer*, 66 Ohio St.2d 139, 145 (1981), emphasis added.

<sup>9</sup> *State v. Curran*, 2006-Ohio-774, ¶ 10 (2d Dist.), citing *State v. Hernandez*, 1991 Ohio App. LEXIS 1377 (7th Dist. Mar. 29, 1991), emphasis added.

<sup>10</sup> *State v. Gillispie*, 2021-Ohio-4157, ¶ 18 (2d Dist.).

<sup>11</sup> *Id.* at ¶ 20, citing *State v. Greer*, 66 Ohio St.2d 139, 147 (1981).

Importantly, the Ohio Supreme Court has noted that “general assertions, citing no specific facts of record, do not establish particularized need.”<sup>12</sup> It has also held that where a defendant speculates that grand jury testimony might contain material evidence or might aid in cross-examination by revealing contradictions, this does not establish a particularized need and the Court stressed that these arguments could be raised in every case.<sup>13</sup>

Indeed.

Thus, “the mere possibility of inconsistent testimony does not rise to the level of a particularized need that would warrant the disclosure of grand-jury testimony.”<sup>14</sup> As noted by the Second District “[i]f the use of grand jury testimony were permitted simply because a defendant claims that the prior statements of a witness could be used for impeachment purposes, virtually all grand jury testimony would be subject to disclosure.”<sup>15</sup>

Further, *Ohio Appellate Courts have consistently found that the mere possibility of discovering evidence that may aid in cross-examination is insufficient to establish particularized need.*<sup>16</sup>

There are several rationales for preserving the secrecy of a grand jury that a trial court must consider when deciding a request for grand jury transcripts including:

To evaluate the need for secrecy of grand-jury proceedings, courts consider the following rationales for preserving secrecy: "...to insure the utmost freedom to the grand jury in its deliberations, and to prevent persons subject to indictment or their friends from importuning the grand jurors... to prevent subornation of perjury or tampering with the witnesses who may testify before grand jury and later appear at the trial of those indicted by it... to encourage free and untrammelled disclosures by persons who have information with respect to the commission of crimes..." *In re Petition for Disclosure of Evidence Presented to Franklin County Grand Juries in 1970*, 63 Ohio St.2d 212, 219, 407 N.E.2d 513, (1980), quoting *United States v. Rose*, 215 F.2d 617, 628-629 (3d Cir.1954).<sup>17</sup>

In short, this Court remains mindful that the general rationale for preserving the secrecy of grand jury looms large across the landscape of American jurisprudence.

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<sup>12</sup> *State v. Webb*, 70 Ohio St.3d 325, 337 (1994).

<sup>13</sup> *Id.*

<sup>14</sup> *State v. Ford*, 2019-Ohio-4539, ¶ 396, citing *State v. Lang*, 2011-Ohio-4215.

<sup>15</sup> *State v. Carr*, 2009-Ohio-1942, ¶ 41 (2d Dist.), quoting *State v. Jackson*, 1999 Ohio App. LEXIS 847 (2d Dist. Mar. 5, 1999).

<sup>16</sup> See *State v. Kinney*, 2019-Ohio-2704, ¶ 95 (7th Dist.), *rev'd on other grounds*, 2020-Ohio-6822 and *State v. Carte*, 2009-Ohio-4193, ¶ 34 (8th Dist.).

<sup>17</sup> *State v. Gillispie*, 2021-Ohio-4157, ¶ 7 (2d Dist.).

Mr. Link's arguments in support of his request for the grand jury transcripts can be distilled to two: discovery<sup>18</sup> and preparation for cross-examination, particularly regarding impeachment.<sup>19</sup>

But these arguments can be advanced by virtually every defendant in every case, and, as such, have been consistently rejected by the Ohio Supreme Court, the Second District and other Ohio Appellate Districts as noted above.

Importantly, in its *in camera* review of all the testimony from both Grand Juries, the Court paid special attention to the testimony of the seven (7) witnesses testifying at both Grand Juries: Kettering Police Department Officer Don Root, Sgt. Kevin Pierce, Ross County Sherriff's Office Lt. Tony Wheaton, Erica Mahone (now Lyons), Miranda Jackson, Donald Bush, and Kettering Police Department Ofc. Ed Simoni. None of the testimony from these seven (7) witnesses supports any claim of particularized need.<sup>20</sup>

As such, the Court finds that Mr. Link has failed to demonstrate a particularized need for disclosure of the grand jury testimony he seeks, therefore the Court **OVERRULES** his request for the same.

### **III. CONCLUSION**

Based on the foregoing, the Court **OVERRULES** the Motion in its entirety.

SO ORDERED:

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JUDGE STEVEN K. DANKOF

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<sup>18</sup> For example, Mr. Link argues that particularized need exists for "access to the investigative materials, witness statements, and reports generated by the State's agents and forensic personnel" regarding State witnesses who testified during the 2002 grand jury.

<sup>19</sup> For example, Mr. Link argues that he has a particularized need for the testimony of each witness who testified at both grand juries because the testimonies "likely" contain statements that vary or contradict merely based upon the passage of time between the two grand juries.

<sup>20</sup> Nor does the testimony of any other witness before either Grand Jury, for that matter.

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41 N. Perry Street, Dayton, Ohio 45422

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