

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 REGARDING JURY
INSTRUCTIONS CONCERNING GRAND
JURY ACTIVITY AND CONSCIOUSNESS
OF GUILT**

Defendant(s).

This matter is before the Court following its October 30, 2025 Notice to Counsel of the Court's Intent to Instruct the Jury on Grand Jury Activity and Consciousness of Guilt and the parties' respective responsive filings.

The Court will give the following instruction on grand jury activity during jury selection and in the final instructions¹:

On July 26, 2002, a Montgomery County Grand Jury did not indict Mr. Link in connection with Shannon Anderson's death.

On January 13, 2025, a different Montgomery County Grand Jury did indict Mr. Link, informing him that he had been charged with Shannon Anderson's Murder.

There is no time limit to bring murder charges against someone.

That a Montgomery County Grand Jury did not indict Mr. Link in 2002 for Ms. Anderson's death, and that a different Montgomery County Grand Jury did indict Mr. Link in 2025 for Ms. Anderson's Murder is not evidence in this case, and is proof of absolutely nothing, and cannot be considered by you for any purpose whatsoever as you perform your duties in this case.

If any of our prospective jurors will not follow this instruction of law, and cannot assure me that you will not consider the Grand Jury's actions in 2002 and 2025 for any purpose whatsoever as you perform your duties in this matter, raise your hand now.

As for Mr. Link's argument that "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"², the Court

¹ The final paragraph of these Grand Jury instructions will be given only during jury selection and not in the final written instructions.

² Mr. Link's November 11, 2025 Response, p. 2.

notes that such an instruction would be incorrect as a matter of law.³ And, speaking of Geese and Ganders, would Mr. Link have this Court instruct the prospective jurors that the 2025 Grand Jury found that probable cause existed for charging him with Ms. Anderson's murder?⁴

An indictment is evidence of nothing;⁵ ergo a declination to indict is evidence of nothing.

The Court *cannot stress strongly enough* that it will not permit either party to suggest otherwise to the jury.⁶

As to Consciousness of Guilt, the Court will give the following instruction in its final written instructions:⁷

Testimony has been admitted indicating that Mr. Link, sometime after his interview by Kettering Detective Green at the Kettering Police Department on October 10, 2001, attempted to commit suicide at his Kettering Residence. You are instructed that Mr. Link's attempted suicide alone does not raise a presumption of guilt, but it may tend to indicate Mr. Link's consciousness of guilt. If you find that the facts do not support that Mr. Link attempted to commit suicide, or if you find that some other motive prompted Mr. Link's conduct, or if you are unable to decide what Mr. Link's motivation was, then you should not consider this evidence for any purpose. However, if you find that the facts support that Mr. Link attempted to commit suicide, and if you decide that Mr. Link was motivated by a consciousness of guilt, you may, but are not required to, consider that evidence in deciding whether Mr. Link is guilty of the crimes charged. You alone will determine what weight, if any, to give this evidence.⁸

The Court incorporates by reference as if rewritten herein paragraphs four through six of its October 30, 2025 Notice to Counsel of the Court's Intent to Instruct the Jury on Grand Jury Activity and Consciousness of Guilt to reiterate that it finds that evidence of Mr. Link's suicide attempt is admissible under Evid.R. 404(B) and 403(A).

SO ORDERED:

JUDGE STEVEN K. DANKOF

³ *Wiggins v. Kumpf*, 2015-Ohio-201, ¶ 20 (2nd Dist.) – "...we disagree with the appellant that the lack of any indictment means that probable cause did not exist for the initiation of charges..."

⁴ Obviously not...

⁵ See 2 OJI 405.03.

⁶ Indeed, the Court has already drafted curative instructions on the subject should such be necessary.

⁷ The Court will also provide a limiting instruction per 2 OJI 401.25.

⁸ See 2 OJI 409.13.

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General Division
Montgomery County Common Pleas Court
41 N. Perry Street, Dayton, Ohio 45422

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