

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,

Defendant(s).

**ORDER OVERRULING MOTION TO
DISMISS AND/OR SUPPRESS
EVIDENCE FOR VIOLATION OF
ATTORNEY-CLIENT PRIVILEGE**

This matter is before the Court on Defendant Jonathan Eric Link's ("Mr. Link") October 1, 2025 Motion to Dismiss and/or Suppress Evidence for Violation for Defendant's Attorney-Client Privilege ("Motion"). The Court has certainly considered any filings related to this Motion.

In his Motion, Mr. Link argues that the State *somehow* improperly reviewed privileged attorney-client communications contained in a manila folder and two binders legally seized by police from his residence at 5710 Red Coach Road in Centerville, Ohio pursuant to a *valid search warrant*.¹ He requests that the Court (1) dismiss the indictment, or (2) in the alternative, suppress the items containing privileged communications and order their immediate return to the defense, or (3) in the alternative, preclude the State from using items at trial and order that they be returned to the defense. Mr. Link specifically argues that *his handwritten notes* contained on sticky notes throughout the documents are covered by the attorney-client privilege.

On October 23, 2025, a hearing was held, during which Mr. Link testified concerning this Motion² and State's Exhibit 7 containing the manila folder and binders discussed above. Mr. Link's testimony in this regard constitutes the only evidence provided to the Court relating to the Motion. As *expressly* found in the Court's October 28, 2025 Order Overruling Motion to Suppress Searches and Statements, Mr. Link's testimony was

¹ See the Court's October 28, 2025 Order Overruling Motion to Suppress Searches and Statements, pg. 4.

² As well as his October 1, 2025 Motion to Suppress Searches and Statements.

not credible in any material respect, including, but not limited to the application of the attorney-client privilege.

“In Ohio, the attorney-client privilege is governed both by statute, R.C. 2317.02(A), which provides a testimonial privilege, and by common law, which broadly protects against any dissemination of information obtained in the confidential attorney-client relationship.”³ The common-law attorney client privilege “protects against any dissemination of information obtained in the confidential relationship.”⁴

The attorney-client privilege arises in the following circumstance:

(1) Where legal advice of any kind is sought (2) from a professional legal adviser in his capacity as such, (3) the communications relating to that purpose, (4) made in confidence (5) by the client, (6) are at his instance permanently protected (7) from disclosure by himself or by the legal adviser, (8) unless the protection is waived.⁵

“The main purpose behind the attorney-client privilege is to promote ‘full and frank communication between attorneys and their clients and thereby promote broader public interests in the observance of law and the administration of justice.’”⁶ As noted by the Ohio Supreme Court, the party asserting that the attorney-client privilege bars discovery bears the burden of proving that the privilege applies.⁷ “‘The attorney-client privilege is not an absolute privilege, and it applies only where necessary to achieve its purpose and protects only those communications necessary to obtain legal advice.’”⁸ “The privilege applies when legal advice of any kind is sought from the legal advisor in that capacity and the client's confidential communication relates to that purpose.”⁹

The Ohio Supreme Court has said that “[i]n order for a document to constitute a privileged communication it is essential that it be brought into being *primarily as a communication to the attorney*.”¹⁰

Given that the Court has found that *Mr. Link’s testimony* at the October 23, 2025 hearing *was not*

³ *State ex rel. Dawson v. Bloom-Carroll Local School Dist.*, 2011-Ohio-6009, ¶ 27, citing *State ex rel. Toledo Blade Co. v. Toledo-Lucas Cty. Port Auth.*, 2009-Ohio-1767, ¶ 24.

⁴ *State ex rel. Leslie v. Ohio Hous. Fin. Agency*, 2005-Ohio-1508, ¶ 26, quoting *Amc v. Huffstutler*, 61 Ohio St.3d 343, 348 (1991).

⁵ *State ex rel. Lanham v. DeWine*, 2013-Ohio-199, ¶ 27, quoting *State ex rel. Leslie v. Ohio Hous. Fin. Agency*, 2005-Ohio-1508, ¶ 21.

⁶ *Burnham v. Cleveland Clinic*, 2016-Ohio-8000, ¶ 16, citing *Boone v. Vanliner Ins. Co.*, 2001-Ohio-27, (2001), fn. 2.

⁷ *State v. Tench*, 2018-Ohio-5205, ¶ 234; *Lemley v. Kaiser*, 6 Ohio St.3d 258, 263-264 (1983); and *Waldmann v. Waldmann*, 48 Ohio St.2d 176 (1976).

⁸ *Pales v. Fedor*, 2018-Ohio-2056, ¶ 22 (8th Dist.), quoting *Perfection Corp. v. Travelers Cas. & Sur.*, 2003-Ohio-3358, ¶ 26 (8th Dist.).

⁹ *State ex rel. Leslie v. Ohio Hous. Fin. Agency*, 2005-Ohio-1508, ¶ 29.

¹⁰ *In re Klemann*, 132 Ohio St. 187, 192 (1936), emphasis added.

credible, the Court finds that Mr. Link has not met his burden to demonstrate that the attorney-client privilege applies here, nor do the documents and/or the notes themselves demonstrate that the privilege applies.

Therefore, the Court *will not* dismiss the indictment *nor suppress* the evidence contained in the manila folder and binders, including the notes,¹¹ *expressly* finding that they are not covered by the attorney-client privilege.

Based on the foregoing, the Court **OVERRULES** Mr. Link's Motion.

SO ORDERED:

JUDGE STEVEN K. DANKOF

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¹¹ All contained in State's Exhibit 7.



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

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So Ordered,