

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

STATE OF OHIO

CASE NO. 2024CR03226

Plaintiff,

JUDGE DANKOF

V.

JONATHAN LINK

BRIEF TO COMPEL DISCLOSURE OF
2002 and 2025 GRAND JURY
TRANSCRIPTS

Defendant.

Jonathan Link respectfully requests disclosure of the 2002 and 2025 grand jury transcripts for witnesses who testified in both the 2002 and 2025 grand juries. Additionally, Defendant Jonathan Link requests disclosure of grand jury transcripts for all remaining witnesses who testified in either 2002 or 2025 grand jury. Part I of the memorandum will address those who testified in both 2002 and 2025 grand juries. Part II will address all remaining witnesses who testified in 2002 or 2025.

PART I:

The following witnesses **Don Root, Kevin Pierce, Tony Wheaton, Erica Mahone, Miranda Jackson, Ed Simoni, and Donald Bush** each testified before the grand jury in both 2002 and 2025.

When a defendant demonstrates a particularized need, the secrecy of grand jury proceedings may be lifted “discreetly and limitedly.” *State v. Greer*, 66 Ohio St.2d 139 (1981). Courts have found particularized need where disclosure is necessary “to impeach a witness, to refresh his recollection, to test his credibility, or for other like purposes.” *Id.*

Here, a particularized need exists because the above-named witnesses testified in both grand juries separated by twenty-three years. The 2002 and 2025 proceedings are likely to contain

statements that vary or conflict due to significant passage of time, creating a genuine need to review their prior testimony for purposes of impeachment, refreshing a recollection, and testing credibility. As in *Greer*, these purposes justify lifting the secrecy of the grand jury proceedings.

In *State v. Sellards*, 17 Ohio St. 3d 169 (1985), the Ohio Supreme Court recognized a particularized need where the defendant sought to inspect grand jury testimony to determine whether the State's witnesses had testified to different time frames than those alleged in the indictment. The Court held that inspection was warranted to ascertain whether the witnesses had "suddenly failed to solicit such information," or whether relevant testimony was "purposefully withheld from the accused." *Id* at 173.

Similarly, in the present case, the 2002 and 2025 grand jury proceedings involve testimony given decades apart. Disclosure of the 2002 transcripts will establish whether these witnesses have recently "remembered" new facts, whether the State refrained from soliciting certain information in 2002, or whether the testimony was previously elicited but withheld. Such information bears directly on credibility, consistency, and fairness at trial. Thus, satisfying the *Sellards* and *Greer* standards for particularized need.

Moreover, where the circumstances reveal a probability that denial of access to the grand jury testimony will deprive the defendant of a fair trial, disclosure is appropriate. *Greer*. Thus, that threshold is clearly met here.

PART II:

As to the remaining witnesses from the 2002 Grand Jury: **Kevin Talley, Ewing Diggs Jr., Ronald Siler, Rick Smith, Adam Craig, Brian Alexander, Mary Hill, Steve Discoll ('Det.Discoll'), and Richard Renner ('Det. Renner');** Defendant Link likewise demonstrates a specific and articulable need for disclosure.

Det. Driscoll and Det. Renner, both members of the Kettering Police Department, participated in key aspects of the 2002 investigation, Detective Discoll assisted in the searches conducted on August and October 2001 at 4516 Far Hills Avenue, including obtained DNA samples from Defendant Link, and conducted multiple witness interviews including with Kevin Talley and Defendant Link himself. Det. Renner assisted in the welfare check of Defendant Link at 4516 Far Hills Ave in October of 2001.

A particularized need exists for access to the investigative materials, witness statements, and reports generated by the State's agents and forensic personnel. Kevin Talley, the victim's employer at Voss Dodge, reported to police that the victim worked on July 28, 2001, and took personal property home that day. His statements, and any grand jury testimony related thereto, are material to establishing the timeline of events and the accuracy of witness recollection.

Adam Craig, Deputy Coroner for Montgomery County, Ohio, completed the postmortem examination of Shannon Anderson, concluding that the cause of death was blunt force trauma to the head and noting evidence of minimal charring at the scene.

Likewise, Brian Alexander and Mary Hill, field team leaders of the Ohio K-9 Search Team, handled two cadaver-trained canines that searched Defendant Link's dark blue Chevy Lumina for traces of decomposed human scent on October 23, 2001.

Rick Smith, Deputy State Fire Marshal, reviewed the debris recovered from around Shannon Anderson's body.

Each of these individuals' observations and related reports constitute essential components of the State's investigation, and access to their findings is necessary for the defense to evaluate the reliability, methodology, and conclusions drawn. Without these materials, the defense cannot

meaningfully test the State's evidence or present a complete and fair defense, thereby satisfying the showing of particularized need.

As to the remaining witnesses from the 2025 Grand Jury: **Greg Stout, Lisa Brauchler, Steve Anderson, Officer Robert Green, Ambree Johnson, Chelsea Heinlein ('Ms. Heinlein'), Annette Davis ('Ms. Davis'), Detective Kerry Smoot ('Det. Smoot'), Marlene Baker ('Ms. Baker'), and Brandy Duncan ('Ms. Duncan')**. Defendant Link likewise demonstrates a specific and articulable need for disclosure.

Detective Stout is assigned to the Tactical Crime Suppression Unit. He participated in the 2025 arrest of Defendant Link and conducted multiple pre-indictment witness interviews. His grand jury testimony likely references prior investigative findings and statements obtained during the original investigation. Access to his testimony is necessary to evaluate whether his representations to the grand jury are consistent with earlier investigative records and whether he accurately conveyed witness statements to the grand jury.

Lisa Brauchler is the aunt of Alex (McCulley) Walker and was granted custody of both children after Shannon Anderson's death in 2001. Although she did not testify in the 2002 grand jury, she was repeatedly interviewed by police throughout the investigation in 2001 and was never conclusively ruled out as a suspect. Her testimony before the 2025 grand jury appears to draw from knowledge gained during the original investigation. Disclosure of relevant 2002 grand jury transcripts is necessary to assess whether her testimony was influenced by or consistent with prior investigative statements that may have been discussed or summarized in the proceeding.

Steve Anderson, the ex-husband of Shannon Anderson, did not testify in the 2002 grand jury but was a central figure in the early investigation. Numerous statements from Ambree Johnson, their daughter, were taken during 2001-2002 and may have been referenced in the 202

grand jury. Review of those transcripts is needed to determine whether testimony presented in 2025 reflects or contradicts what was known to law enforcement and the grand jury in 2002.

Officer Robert Green of the Kettering Police Department participated in the initial investigation and interviewed Defendant Link as a possible homicide suspect in October 2001. His 2025 testimony likely revisits that same interview and related evidence. Disclosure of his 2002 grand jury testimony is necessary to test for consistency, accuracy, and potential investigative bias.

Ambree Johnson, the oldest daughter of Shannon Anderson, did not testify in 2002 but provided numerous statements to police during the original investigation. Her 2025 grand jury testimony introduces new and contradictory details that substantially differ from her prior statements. The defense therefore has a clear need to review any 2002 grand jury testimony that references or discusses Ambree Johnson's prior statements, as it directly bears on her credibility and potential impeachment.

Ms. Heinlein worked in the same office as Defendant Link and reported that she found it unusual that Defendant Link never mentioned his girlfriend, Shannon Andereson, as missing. Although she did not testify before the 2002 Grand Jury, she did testify in the 2025 Grand Jury. Since her testimony, Ms. Heinlein has provided additional information to detectives regarding events surrounding this investigation, including details about her wedding in September 2001. The defense has a particularized need for her 2025 Grand Jury testimony to assess the consistency of her statements, determine whether new information provided after her testimony influenced or contradicted her prior account, and to effectively cross-examine her should be called at trial.

Ms. Davis is employed by the Miami Valley Regional Crime Laboratory. She did not testify before the 2002 Grand Jury but prepared laboratory Reports in October 2001 regarding items

seized from Defendant Link's residence, including the king-size mattress and blue Chevy Lumina van. The defense has a particularized need for her 2025 Grand Jury testimony to evaluate whether the forensic findings and conclusions have changed or been reinterpreted since the original investigation, and to determine the foundation, chain of custody, and any potential discrepancies between the laboratory's 2001 reports and her 2025 testimony.

Detective Smoot created the digital forensic analysis PowerPoint presentation summarizing Defendant Link's computer web-history activity. She did not testify before the 2002 Grand Jury. The defense has a particularized need for her 2025 Grand Jury testimony to examine the methodology and reliability of her forensic conclusions, determine whether her analysis incorporated any prior investigative materials, and ensure the defense's ability to challenge any prejudicial or speculative interpretations of the digital evidence.

Ms. Baker identified herself as Shannon Anderson's best friend and reported that after Shannon's disappearance, when she went to 4516 Far Hills Avenue, Defendant Link refused to allow her entry into the home. She did not testify before the 2002 Grand Jury. The defense has a particularized need for her 2025 Grand Jury testimony to assess whether her recollection has changed over time, whether her statements were influenced by intervening information or publicity, and whether her testimony contains hearsay or speculation that could prejudice the defendant if presented at trial.

Ms. Duncan, who resides in Clarksburg, Ohio, reported to Sgt. Kevin Pierce in August 2001 that she observed a two-door vehicle driving through the area four separate times, behavior she described as uncommon. She did not testify before the 2002 Grand Jury. The defense has a particularized need for her 2025 Grand Jury testimony to determine whether her account has been

altered by time, suggestion, or new investigative contact and to evaluate the relevance and reliability of her observations in the context of the broader investigation.

Disclosure of the remaining witnesses who testified in 2002 or 2025 is necessary to evaluate potential inconsistencies, omissions, or changes in their accounts that directly bear on credibility and the defense's ability to ensure a fair trial.

In conclusion, disclosure of the 2002 and 2025 grand jury transcripts is essential to determine whether the witnesses have only recently "remembered" new facts, or whether relevant testimony was previously obtained but withheld. This information is crucial to assessing witness credibility, consistency, and overall fairness at trial, thereby meeting the *Sellards* and *Greer* standards for determining a particularized need.

WHEREFORE, Defendant Link respectfully requests disclosure of the 2002 and 2025 Grand Jury transcripts.

Respectfully submitted,

/s/ Dennis A. Lieberman
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CERTIFICATE OF SERVICE

I hereby certify that on this 15th day of October 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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