

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 REGARDING STATE'S NOTICE
OF INTENT TO USE 404(B) EVIDENCE
AND OVERRULING DEFENDANT'S
MOTION *IN LIMINE* TO EXCLUDE
EVIDENCE**

This matter is before the Court on the State's November 5, 2025 Notice of Intent to Use 404(B) Evidence ("the Notice"), and Mr. Link's November 20, 2025 Motion to Exclude 404(B) Evidence.

In the Notice, the State advised of its intent to offer at trial the following evidence, insofar as it could be characterized as 404(B) evidence: Mr. Link's actions in (1) disposing of the mattress; (2) making a statement to a co-worker about traveling to Atlanta with Shannon Anderson when she was already missing; (3) the movement of Ms. Anderson's automobile to Atlanta; (4) attempting suicide; and (5) hiding at his Centerville residence certain police reports and other investigative materials relating to the murder. Mr. Link's Motion seeks exclusion of this same evidence, as well as his statement during a police interview that "it does not look good" when confronted with photos of blood spatter in the bedroom he'd shared with Shannon Anderson. In a nutshell, Mr. Link argues this evidence cannot pass Evid.R. 404(B) scrutiny, is unfairly prejudicial, and must be excluded.

As to Mr. Link's apparent suicide attempt very shortly following his aforementioned and apparently incriminating statement, the Court's October 30th and November 17th Orders previously addressed the apparent suicide attempt as evidence of *consciousness of guilt*, and the Court declines to revisit those Orders.¹

¹ The Court having already performed a 404(B) analysis *regarding consciousness of guilt* in accordance with the Ohio Supreme Court's opinion in *State v. Echols*, 2024-Ohio-5088.

The balance of the evidence Mr. Link seeks to exclude is not governed, in this Court's opinion, by operation of Evid.R. 404(B), but rather basic application of Evid.R. 402 and 403, and their interplay.

As one Ohio Appellate Court put it, “[n]ot all evidence regarding a defendant's behavior constitutes ‘other acts’ evidence.”² Further, the Ohio Supreme Court has said that Evid.R. 404(B) evidence “is commonly referred to as ‘*propensity evidence*’ because its purpose is to demonstrate that the accused has a propensity or proclivity to commit the crime in question.”³

The Second District has specifically noted that *Evid.R. 404(B)* excludes only extrinsic evidence.⁴ The rule “*does not apply if the acts in question are intrinsic*, meaning that ‘the acts are part of the events in question or form part of the immediate background of the alleged act which forms the basis for the [case].’”⁵ “Evidence of other acts are admissible if the other act is so connected with the act at issue in the trial that the facts of each are logically intertwined.”⁶ The Second District has also said “[o]ther acts ‘are inextricably intertwined with a charged crime when they are so blended or connected with the charged crime that proof of one incidentally involves the other, explains the circumstances thereof, or tends logically to prove any element of the crime charged.’”⁷ “In other words, ‘other acts’ evidence ‘is inextricably intertwined with charged conduct when testimony about the other acts is necessary to give the complete picture of what occurred.’”⁸

Similarly, the Eighth District has held that that “Evid.R. 404(B), by its very terms, ‘excludes only extrinsic evidence — ‘evidence of other crimes, wrongs, or acts’ — whose probative value exclusively depends upon a forbidden inference of criminal propensity.’”⁹ “‘*Evidence intrinsic to the crime for which the defendant is on trial *** is not governed by Rule 404(B).*’”¹⁰ Further, the Ohio Supreme Court has held that “‘general rule of exclusion does not apply where the evidence of another [crime, wrong, or act] is relevant and tends directly * * * to prove * * * accused's guilt of the crime charged, or to connect him with it, or to prove

² *State v. Lotzer*, 2021-Ohio-3701, ¶ 23 (3rd Dist.), citing *State v. Patton*, 74 Ohio App.3d 224, 229 (3d Dist.1991).

³ *State v. Hartman*, 2020-Ohio-4440, ¶ 21, emphasis added.

⁴ *Jordan v. Dayton Testing Laboratory, Inc.*, 2004-Ohio-2425, ¶ 48 (2nd Dist.), citing *State v. Renner*, 708 N.E.2d 765 (2d Dist.1998); *State v. Smith*, 49 Ohio St.3d 137 (1990); *State v. Bogan*, 1998 Ohio App. LEXIS 3633, (8th Dist. Aug. 6, 1998); *State v. Jones*, 2000 Ohio App. LEXIS 2862, (10th Dist. Jun. 29, 2000); and *State v. Rucker*, 1998 Ohio App. LEXIS 4145, (10th Dist. Sep. 1, 1998).

⁵ *Id.*, quoting *Bogan*, emphasis added.

⁶ *Id.*, citing *Rucker* and *State v. Long*, 582 N.E.2d 626 (9th Dist.1989).

⁷ *State v. Crowley*, 2023-Ohio-1764, ¶ 21 (2nd Dist.), quoting *State v. Sinclair*, 2003-Ohio-3246, ¶ 35 (2d Dist.).

⁸ *Id.*, quoting *Sinclair* at ¶ 35, internal quotations omitted.

⁹ *State v. Foster*, 2011-Ohio-2781, ¶ 53 (8th Dist.), quoting *United States v. Manning*, 79 F.3d 212, 218 (1st Cir.1996), cert. denied, 519 U.S. 853 (1996).

¹⁰ *Id.*, quoting *Manning* at 218, emphasis added.

some particular element or material fact in such crime; and evidence of other offenses may be received if relevant for any purpose other than to show mere propensity or disposition on accused's part to commit the crime.”¹¹

Indeed, at least one Ohio Court of Appeals has held that a defendant’s oral statements are not “acts” within the meaning of 404(B).¹² This Court concurs.

It may be useful to compare the evidence at issue in this Order to evidence found to be properly governed by Evid.R. 404(B) as propensity evidence.

In *State v. Jordan*, the Second District analyzed evidence of a defendant’s past violent conduct towards the victim’s family members under Evid.R. 404(B) in a case wherein the defendant was charged with rape by force or threat of force.¹³ In *State v. Bruce*, the Third District analyzed evidence of a defendant’s possession of foot fetish pornography and his past drug use under Evid.R. 404(B) in a case wherein the defendant was charged with voyeurism, disseminating material harmful to juveniles, importuning, gross sexual imposition, and rape where the clear propensity inference of this evidence was that the defendant was a “sex-crazed pervert” or a predator.¹⁴

Here, the Court finds that Mr. Link’s alleged actions in (1) disposing of the mattress, (2) remarking to a co-worker about traveling to Atlanta with Shannon Anderson when she was already missing, (3) allegedly admitting to police that it “does not look good” when confronted with master bedroom blood spatter, (4) his alleged movement of Shannon Anderson’s automobile to Atlanta, and (5) the apparent hiding of police and investigative reports at his Centerville residence are not governed by Evid.R. 404(B), given that they are not extrinsic evidence, but rather are intertwined with the charged offenses in the instant case. Said another way, the evidence which Mr. Link seeks to exclude is either allegedly part of the events in question, connected to the crime itself, forms the immediate background, or explains the circumstances surrounding it. None of this evidence has a *propensity* purpose or inference.

¹¹ *State v. Watson*, 28 Ohio St.2d 15, 21 (1971), quoting 22A Corpus Juris Secundum (1962), Criminal Law, Section 683.

¹² *State v. Lotzer*, 2021-Ohio-3701, ¶ 23 (3rd Dist.).

¹³ *State v. Jordan*, 2016-Ohio-603, (2nd Dist.).

¹⁴ *State v. Bruce*, 2023-Ohio-3298, ¶ 45, 52 (3d Dist.).

Further, the Court *expressly* finds that the evidence is most certainly relevant and that its probative value is not substantially outweighed by the danger of *unfair* prejudice, confusion of the issues, or misleading the jury. And, in any event, Mr. Link remains free to offer alternative theories or explanations related to this evidence, but those alternative theories or explanations go to the weight of the evidence, *not its admissibility*.

Based on the foregoing, the Court **OVERRULES** Mr. Link's Motion *in Limine* to Exclude 404(B) evidence.

SO ORDERED:

JUDGE STEVEN K. DANKOF

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LYNDA DODD
JACOB MOSHER
ASSISTANT PROSECUTING ATTORNEY
(937)-225-5757

DENNIS A LIEBERMAN
ATTORNEY AT LAW
10 N LUDLOW ST, SUITE 200
DAYTON, OH 45402
(937)-223-5200
Attorney for Defendant,
Jonathan Eric Link

ELIZABETH HALL, Bailiff (937) 225-4151 ELIZABETH.HALL@montcourt.oh.gov



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

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