

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,

**NOTICE TO COUNSEL OF THE
COURT'S INTENT TO INSTRUCT THE
JURY ON GRAND JURY ACTIVITY AND
CONSCIOUSNESS OF GUILT**

Defendant(s).

The Court hereby notifies counsel of its intention to provide the jury with instructions on (1) the 2002 and 2025 grand jury activity and (2) consciousness of guilt concerning Defendant Jonathan Eric Link's 2001 suicide attempt.

The Court intends to instruct the jury about the grand jury activity in the instant case to emphasize that such information is evidence of exactly nothing¹ and can have no impact on the jurors' duty as fact finders herein. Thus, the Court intends to give the following instruction to the jury² regarding Grand Jury activity herein:

On July 26, 2002, a Montgomery County Grand Jury returned a No True Bill in favor of Mr. Link which *did not indict* him in connection with Shannon Anderson's death.

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

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 Shannon Anderson's Murder is *not evidence* in this case, 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 2002 No True Bill in Mr. Link's favor and the 2025 indictment against Mr. Link for any purpose whatsoever in this matter, raise your hand now.

¹ See 2 OJI 405.03.

² Both during jury selection and in any final written instructions to the jury for their use during deliberations, if any.

On the *issue of consciousness of guilt*, in *State v. Williams*, the Ohio Supreme Court stated that “[i]t is today universally conceded that the fact of an accused's flight, escape from custody, resistance to arrest, concealment, assumption of a false name, **and related conduct**, are admissible as evidence of consciousness of guilt, and thus of guilt itself.”³ Several Ohio Appellate Districts have held that expressions of suicidal thoughts and suicide attempts fall under “related conduct” in the definition of consciousness of guilt provided by *Williams* and that trial courts can properly give a consciousness of guilt jury instruction on those topics in certain circumstances.⁴

The Ohio Supreme Court in *State v. Echols*, 2024-Ohio-5088 found that *consciousness of guilt* evidence can constitute other-acts evidence under Evid.R. 404(B), therefore a 404(B) analysis can be required, along with an Evid.R. 403(A) analysis, when considering the admissibility of consciousness of guilt evidence.⁵ Evid.R. 404(B)(1) provides that “[e]vidence of any other crime, wrong, or act is not admissible to prove a person’s character in order to show that on a particular occasion the person acted in accordance with the character.” Here, Mr. Link’s suicide attempt would constitute other-acts evidence under Evid.R. 404(B) given that it is another act that does not go directly to the charged crime itself.⁶ The Court finds that such evidence has a non-propensity purpose of showing consciousness of guilt.⁷ The Court finds that the evidence is also admissible under Evid.R. 403(A).

The review of the circumstances of Mr. Link’s suicide attempt is informative.

On July 30, 2001, Mr. Link reported his girlfriend Shannon Anderson as missing to police. The matter evolved into a murder investigation in which Mr. Link was a suspect. On October 10, 2001, Mr. Link attended Ms. Anderson’s funeral and returned home to find several police officers who requested his consent to search the Residence, which Mr. Link provided voluntarily.⁸ Later that day, Mr. Link participated in an interview with Det. Green at the Kettering Police Department and during this interview he was shown polaroid pictures taken during the active search of the Residence which depicted apparent blood on the footboard of the bed and the

³ *State v. Williams*, 79 Ohio St.3d 1, 11 (1997), quoting *State v. Eaton*, 19 Ohio St. 2d 145, 160 (1969), *vacated on other grounds*, 408 U.S. 935 (1972), *emphasis added*.

⁴ See *State v. Tvaroch*, 2012-Ohio-5836, ¶ 26, 43 (11th Dist.); *State v. Mills*, 2023-Ohio-1094, ¶ 32 (6th Dist.); *State v. Williams*, 2018-Ohio-3368, ¶ 45 (8th Dist.); and *State v. Dennison*, 2025-Ohio-139, ¶ 31 (4th Dist.).

⁵ *State v. Echols*, 2024-Ohio-5088.

⁶ *Id.* at ¶ 24, citing Evid.R. 404(B)(1) and Leonard, *The New Wigmore: A Treatise on Evidence: Evidence of Other Misconduct and Similar Events*, § 4.1, at 210-211 (2d Ed. 2019).

⁷ *Id.* at ¶ 32.

⁸ See the Court’s October 28, 2025 Order Overruling Motion to Suppress Searches and Statements.

ceiling of the bedroom, both of which he shared with Ms. Anderson. Mr. Link was confronted about Ms. Anderson's murder by Det. Green and he eventually ended the interview. He was offered a ride home, but declined and instead walked back. On the following day, Mr. Link was discovered in his home by police conducting a welfare check after a violent suicide attempt by Mr. Link. The Court believes that given these circumstances and the aforementioned interplay and application of Evid.R. 404(B) and 403(A), the evidence of Mr. Link's suicide attempt is relevant to consciousness of guilt and its probative value outweighs the danger of unfair prejudice, confusion of the issues, and misleading the jury. Thus, the Court intends to give the following instruction to the jury⁹ regarding *consciousness of guilt*:

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. (OJI CR 409.13)

The parties are **ORDERED** to file any briefing regarding these proposed instructions **NLT 5:00 p.m.,**

Thursday, November 6, 2025.

SO ORDERED:

JUDGE STEVEN K. DANKOF

⁹ Only in final written instructions to be given the jury for their use during deliberations, if any.

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

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Type:

Order:

So Ordered,