

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

STATE OF OHIO

CASE NO. 2024CR03226

Plaintiff,

JUDGE DANKOF

V

**MEMORADUM IN OPPOSITION TO
STATE'S MOTION IN LIMINE TO
EXCLUDE ALTERNATIVE-SUSPECT
EVIDENCE**

JONATHAN LINK

Defendant.

Now comes Defendant, Jonathan Eric Link, by and through counsel, and respectfully submits this Memorandum in Opposition to the State's Motion in Limine seeking to exclude Steven Moorehead as an alternate suspect and all alternative-suspect evidence.

MEMORANDUM

The State's motion should be denied because the State cannot be permitted to eliminate an entire category of third party-culpability evidence simply to preserve the integrity of its own narrative. The State's attempt to foreclose all alternative suspects, based solely on its disputed conclusion that it has "ruled out" Steven Moorehead, constitutes an improper shift of the burden of proof and a direct encroachment upon the defendant's constitutional right to present a complete defense. The absence of DNA from Steven Moorehead does not automatically make the evidence irrelevant, nor does it transform the issue into the red herring the State claims it is. Additionally, the lack of DNA from one individual does not eliminate the relevance of other alternative suspects whose connections to the offense remain significant and probative.

The State's motion in limine attempts to preclude all alternative-suspect evidence by incorrectly framing the defense's theory. The State asserts "because Steven Moorehead was excluded by DNA", the Defendant should be barred from introducing all evidence of any other individuals who may have committed the offense. This is factually and legally incorrect and constitutionally impermissible. Under both Ohio law and the United States Constitution, the jury is entitled to hear that evidence.

The right to present an alternative-suspect defense is constitutionally protected. The United States Supreme Court has repeatedly held that a defendant's right to present evidence suggesting someone else committed the offense is a core component of the Sixth Amendment right to present a defense and the Fourteenth Amendment right to due process. A trial court may not prevent the defense from introducing third-party guilt evidence unless the evidence is wholly speculative or inadmissible under a valid rule of evidence. Arbitrary exclusion violates the Constitution. *Holmes v. South Carolina*, 547 U.S. 319 (2006).

The Second District of Ohio held that a defendant is entitled to present evidence that another person committed the offense. Excluding such evidence is error when the defense establishes any non-speculative link between the alternative suspect and the crime. Thus, the jury must be permitted to evaluate that evidence. *State v. Gillispie*, 2012-Ohio-1656. Further, *Gillispie* rejected the State's attempt to foreclose alternative suspects simply because the prosecution viewed its own identification evidence as strong. *Id.*

The Second District reversed where the trial court excluded evidence showing another individual had motive and opportunity to commit the offense. The Court held that the trial court's exclusion improperly invaded the jury's factfinding function and that the alternative-suspect evidence is admissible when it has a "legitimate connection" to the offense. *State v. Adams*, 2015-Ohio-3954.

The State's motion rests on the premise that the bedroom was the murder scene. That assertion has not been proven and remains in genuine dispute. While blood was found in the bedroom, it matched the victim, an unsurprising fact given that she resided there. The State further claims the evidence related to Steven Moorehead is irrelevant because his DNA was not "located at the murder scene," but the State has not established the bedroom as the murder scene. The State cannot rely on an unproven assumption about the crime scene to justify excluding defense evidence. The State may offer evidence as to where it believes the alleged victim died. However, it is the jury that decides the answer to the question.

Moreover, even if the State believed it had eliminated Steven Moorehead, that conclusion cannot serve as the basis to bar all other alternative suspects. Excluding one person through DNA does not eliminate the relevance of all other viable suspects. To hold otherwise would permit the State to artificially narrow the defense by "knocking down" a single individual and then asserting

that no further inquiry is allowed. This approach contradicts Ohio law and violates the constitutional right to present a complete defense. Evidence that another person committed the crime is admissible so long as there is some legitimate link to the offense and it is not purely speculative. *Gillispie*, 2012-Ohio-1656 ¶ 56-59. The exclusion of one person via DNA does not eliminate legitimate links between the crime and other individuals. Nor does it relieve the State of its burden to prove identity beyond a reasonable doubt.

Under Evid.R. 401 evidence is relevant if it makes a fact of consequence more or less probable. Identity is a central element the State must prove beyond a reasonable doubt. Any evidence that another person may have committed the offense is relevant. Here, the State argues that the defense must show a “link” beyond speculation, but the evidence at issue is far from speculative. The mere fact that Steven Moorehead’s DNA was not found in what is still an unconfirmed crime scene does not eliminate him as a suspect. Likewise, the absence of Shannon Anderson’s DNA from the items testing in Steven Moorehead’s car does not resolve the question of identity. These facts do not rule him out; they simply leave the matter unresolved. To the contrary, they underscore that the investigation remains incomplete, making such evidence more probative. The case is analogous to *State v. Gillispie*, where the Second District held that the third party-culpability evidence is admissible when it challenges the completeness or reliability of the State’s investigation and provides reasonable alternative explanation for identity.

Under *Adams* and *Gillispie* even modest circumstantial “links”, for example, motive, prior behavior, access to the location, opportunity threats, or similarity to the perpetrator render such evidence admissible. The State cannot use a motion in limine to prevent the jury from considering relevant and probative evidence.

Jurors are best equipped to reach a fair and accurate verdict when they are given the entire picture, not a curated subset. As the Second District has repeatedly held, “the jury must be permitted to evaluate all reliant evidence bearing on identity.” *Gillispie*, 2012-Ohio-1656. Excluding legitimate alternative-suspect evidence would distort the evidentiary landscape and impair the jury’s ability to assess reasonable doubt.

In conclusion, the State’s motion mischaracterizes the defenses theory, improperly relies on the exclusion of Steven Moorehead’s DNA to bar all other alternative suspects, and attempts to foreclose constitutionally protected defense evidence. Under *Gillispie*, *Adams*, and Evid. R. 401-403, the Defendant has the right to present evidence that another person with a legitimate, non-speculative connection to the offense may have committed the crime.

WHEREFORE, Mr. Link respectfully requests that this Court deny the State’s Motion in Limine in its entirety.

/s/ Dennis A. Lieberman

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Certificate of Service

I hereby certify that on this 19th day of November 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

Dennis A. Lieberman (0029460)