

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,

**ORDER OVERRULING DEFENDANT'S
MOTION TO APPOINT EXPERT**

Defendant(s).

This matter is before the Court on Defendant Johnathan Link's ("Mr. Link") November 7, 2025 Motion to Appoint Memory Expert ("Motion") and the State has responded.

The Motion requests that the Court appoint and pay for¹ Dr. Kenneth Manges as a Human Memory expert. Attached to the Motion are Mr. Link's Financial Disclosure Form and Dr. Manges' CV.

The Motion itself provides no information regarding the nature of Dr. Manges' proposed testimony on Human Memory relevant to the instant matter.

Dr. Manges' CV contains no information or claim that he is qualified to testify relative to Human Memory. The Court's review of his website referenced in his CV contains no information such as published articles on the subject of Human Memory or that he has ever been qualified to testify in any court on the subject.

As such, the Court *expressly* finds that the Defense has not met the requirements of Evid.R. 702 and questions aloud whether testimony from Dr. Manges would survive a *Daubert* review on the subject of Human Memory.²

¹ Based upon Mr. Link's Financial Disclosure Form and his claim of indigency.

² Especially in comparison Human Memory experts such as Melissa Berry, Ph.D. of Dayton, Ohio who has testified frequently on the subject, or Craig Stark, Ph.D., professor of Neurobiology and Behavior at University of California, Irvine, who aided the Court in crafting its own jury instructions on Human Memory. Certainly, the Court will not speculate as to Dr. Berry's availability to testify at trial herein, but presumes her testimony could be preserved by way of deposition.

In all events, the Court must fulfill its gatekeeping function relating to the admission and exclusion of evidence,³ and will not appoint Dr. Manges as a Human Memory expert owing to the foregoing.⁴

The Court is also unconvinced that Mr. Link is indigent for purposes of his request that the Court pay the costs relating to appointment of a qualified Human Memory expert.

Mr. Link has retained counsel in this matter, and while this fact alone does not preclude a finding of indigency⁵, the Court has also heard the *credible testimony* of KPD Detective Gregory Stout during Mr. Link's January 27, 2025 bond hearing that Mr. Link has an interest in roughly \$900,000 in real estate assets and other significant amounts of cash and investments.

Based on the foregoing, the Court **OVERRULES** the Motion.⁶

SO ORDERED:

JUDGE STEVEN K. DANKOF

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³ *Lloyd v. Rutledge*, 2006-Ohio-6123, ¶ 52 (2nd Dist.) (“The trial court is the gatekeeper on the admission and exclusion of evidence to be presented to the jury.”).

⁴ The Court does not foreclose the possibility of allowing Dr. Manges to testify upon a sufficient showing of his qualifications to do so, but the Court reminds the Defense of its obligations under Crim.R. 16(K).

⁵ *State v. Mansfield*, 2016-Ohio-8189, ¶ 11 (2d Dist.)

⁶ Mr. Link may renew a motion to appoint an expert, but such motion must address the concerns raised by the Court in this Order regarding qualification and indigency.

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

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So Ordered,