

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

STATE OF OHIO,	:	Case No. 24CR03226
	:	
Plaintiff	:	JUDGE DANKOF
	:	
-VS-	:	
	:	
Jonathan Link,	:	<b><u>DEFENDANT'S MOTION</u></b>
	:	<b><u>TO COMPEL DISCLOSURE OF</u></b>
Defendant	:	<b><u>BRADY MATERIALS</u></b>

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Defendant, Jonathan Link, by and through counsel, and respectfully moves this Court for an order compelling the State of Ohio to disclose and produce evidence that is material and favorable to the defense pursuant to *Brady v. Maryland*, 373 U.S. 83 (1963), *Giglio v. United States*, 405 U.S. 150 (1972), and Crim. R. 16. Specifically, Defendant requests: (1) All prior grand jury transcripts or testimony from July 27, 2002. (2) All records of contacts, communications, or meetings by law enforcement, prosecutors, or any government agents concerning the material witnesses, [Alexandria Walker and Ambree Johnson] from 2001 through 2024, including but not limited to interviews, preparation sessions, correspondence, counseling arrangements, or any recorded statements as well as identifying all individuals known to the State or representing the State of Ohio who have had contact with Walker and Johnson between July 27, 2002 and the present. The reasons for this Motion are more fully set forth in the Memorandum in Support hereof.

Respectfully submitted,

/s/ Dennis A. Lieberman  
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## **MEMORANDUM IN SUPPORT**

Under *Brady v. Maryland*, the State has a constitutional duty to disclose evidence favorable to the accused that is material to guilt or punishment. This duty includes impeachment evidence. *Giglio v. United States*, 405 U.S. 150 (1972). Ohio law further recognizes that access to prior grand jury testimony may be warranted upon a showing of particularized need. *State v. Greer*, 66 Ohio St.2<sup>nd</sup> 139 (1981); *State v. Sellards*, 17 Ohio St.3d 169 (1985). Such need exists where the material is required to impeach a witness, to test credibility, or to reveal inconsistent statements or to *refresh recollection*. See *Dennis v. United States* (1966) 384 US 855.. The states obligation under Brady extends not only to evidence in its possession but also to information known to law enforcement or other government actors working on the case. *Kyles v. Whitley*, 514 U.S. 419 (1995).

In the present case, the two-material witness, [Alex Walker and Ambree Johnson], may or may not have testified before the grand jury on July 27, 2002. There is reason to believe that their testimony has since changed in material respects. If they did testify at that time or provide statements to the State, those transcripts are critical for impeachment and creditability purposes, satisfying the “particularized need” standard under Ohio law. *State v. Geer*, 66 Ohio St.2d 139 (1981); *State v. Sellards*, 17 Ohio St.3d 169 (1985). Even if the witnesses did not appear before the grand jury in 2002, disclosure of the transcripts remains essential because it would establish what evidence was presented in their absence, how the State characterized their involvement, and whether any exculpatory or inconsistent information was withheld. At that time, the witnesses [Alex Walker and Ambree Johnson] were significantly younger, and any record of the State’s handling of their accounts, or lack thereof, bears directly on the credibility, memory, and reliability of their current testimony. Under *Brady v. Maryland*, 373 U.S. 83 (1963), the defense is entitled to

evidence could impeach witnesses or otherwise undermine confidence in the outcome of the trial, including evidence that they did not testify when one would reasonably expect them to.

Additionally, Alex and Ambree's testimony evolved between 2001 and 2024. To evaluate the reliability of their accounts and possible improper influence, the defense must be provided with all records of contacts between Alex and Ambree and any government agents during this period. Such records may reveal inconsistent statements, coaching, inducements, or pressures, all classic impeachment material required under *Brady* and *Giglio*. It must also be recognized that the instant matter is over 25 years old making the production of grand jury testimony of all witnesses critical to refresh their recollection particularly if used by the State for that purpose at trial *or* in preparation of witnesses.

Without disclosure, Mr. Link is denied the ability to effectively cross-examine these witnesses, violating the Sixth Amendment right of confrontation and due process protections under the Fourteenth Amendment.

WHEREFORE, Defendant respectfully moves this Court for an order directing the state to produce: (1) All prior grand jury transcripts or testimony from July 27, 2002. (2) All records of contacts, communications, or meetings by law enforcement, prosecutors, or any government agents or known to law enforcement concerning the material witnesses, [Alexandria Walker and Ambree Johnson] from 2001 through 2024, including but not limited to interviews, preparation sessions, correspondence, counseling arrangements, or any recorded statements.

Respectfully submitted,

/s/ Dennis A. Lieberman

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**CERTIFICATE OF SERVICE**

I hereby certify that on this 1<sup>st</sup> 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

Dennis A. Lieberman (0029460)