

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

STATE OF OHIO

CASE NO. 2024 CR 3226

Plaintiff

JUDGE STEVEN K. DANKOF

v.

**JONATHAN ERIC LINK
Defendant**

**STATE'S MOTION IN RESPONSE
To JURY INSTRUCTION**

With respect to the Court's intention to instruct with respect that the No Bill should not be considered for any purpose, the State requests the Court refrain from that instruction in the initial instructions, and only instruct with jury instructions if it becomes relevant during the course of the trial.

As the State is preparing this case, it is becoming evident that it is possible that the case could proceed from beginning to end without the jury ever learning that the 2002 Grand Jury concluded with a No Bill. The State is concerned that if the jury is advised there was a no bill that this will lead to certain assumptions as to what was presented to the first Grand Jury, and what was found to be lacking at that time. For instance, it is an easy assumption that the two young children testified at the first Grand Jury, and that their testimony was insufficient to indict. Based upon initial motions by counsel, this is the same assumption counsel made. The State was able to disprove this assumption with transcripts. There would be no similar way to disabuse the jury of this incorrect assumption.

This is just one example in a very complex investigation. As the Court reviews, *in camera*, the Grand Jury testimony from 2001 and 2025, the Court will learn more about additional evidence in the second Grand Jury.

To allow the Grand Jury to hear that there was a no bill would be a fact provided without context and create a potential assumption the State could not rebut. As such the State objects to the instruction unless the facts at trial raise this issue.

Respectfully submitted,

MATHIAS H. HECK, JR.
Prosecuting Attorney

By: /s/ Lynda A. Dodd
Lynda A. Dodd #0068551
Assistant Prosecuting Attorney
301 W. Third St., Suite 500
P.O. Box 972
Dayton, OH 45422
(937) 225-5757

ATTORNEY FOR PLAINTIFF
STATE OF OHIO

CERTIFICATE OF SERVICE

I hereby certify that on date of this filing, this document was electronically filed via the Court's authorized electronic filing system which will send notifications of this filing to DENNIS LIEBERMAN, Attorney for Defendant.

/s/ Lynda A. Dodd

Lynda A. Dodd #0068551
Assistant Prosecuting Attorney