

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 EXPERT WITNESS REQUEST**

On November 7, 2025 Defendant filed a Motion to Appoint a Memory Expert, in which he claimed indigence. The State contests that Defendant is indigent.

Certainly, as set forth in detail in *State v. Mansfield*, Clark App. No. 2015-CA-72 it is possible to have a retained attorney and also qualify as indigent for the purposes of an expert. However, being able to retain an attorney is a relevant factor in the Court's inquiry. *Id.* For instance, the money to retain the attorney could be borrowed, or covered by another individual, or circumstances may have changed the financial status of the individual. *Id.* In *Mansfield*, the trial Court denied the request relating for the expert based solely on an insufficient affidavit. *Id.* The Court of Appeals found that without a hearing this was an insufficient record. *Id.* The Court of Appeals, likened the decision to provide funds for an expert, to the determination of indigency for providing counsel, where in it is the Court's duty to fully inquire into the circumstances causing the claimed indigence. *Id.*

In the bond hearing the Court has heard details about the Defendant's employment history, that he had multiple properties in his name, and that there was \$30,000 in a safe at the time of the 2025 search that was not seized. In support of his claim of indigence, Defendant attached a financial Disclosure form which is largely blank except to indicate that he is not currently making an income. The State agrees that Defendant is not currently making an income. That would be true for most individuals awaiting trial.

As Defendant has retained counsel, has been fully employed in a professional career, has properties, and has the ability to have on-hand substantial cash reserves, this disqualifies him from indigency. The State requests the Court inquire further into this issue before considering his motion.

Having read reports from similar experts the State does not contest that, depending on the content of the report, a memory expert could provide relevant information.

Respectfully submitted,

MATHIAS H. HECK, JR.
Prosecuting Attorney

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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

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