

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

STATE OF OHIO

CASE NO. 2024CR03226

Plaintiff,

JUDGE DANKOF

V.

**MEMORANDUM IN SUPPORT OF  
DEFENDANT'S OBJECTION TO  
RESTITUTION TO THE OHIO VICTIM'S  
OF CRIMES FUND**

JONATHAN LINK

Defendant.

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*State vs. Bartholomew*, 119 Ohio St. 3d 359 (2008) authorized the Trial Court to order that a criminal defendant pay restitution to the reparations fund created by Ohio Revised Code §2743.191. If the Court authorizes said payments, they must be for the economic loss caused by the offender. All *State v. Bartholomew* did was to authorize said payment but did not mandate it.

*State vs. Brinson*, 2009 Ohio 5040 (2<sup>nd</sup> Dist. 2009) defined economic loss. A defined economic loss as “any economic detriment suffered by a victim as a direct and approximate result of the commission of an offense and includes any loss of income . . . any property loss, medical cost or funeral expenses. . . . Citing Ohio Revised Code §2929.01(L).

*Brinson* further held that under Ohio Revised Code §2929.01(L) “economic loss” means any economic detriment suffered by a victim as a direct and approximate result of the commission of an offense and includes any (1) loss of income due to lost time at work because of any injury caused to the victim; (2) any property loss; (3) medical cost; (4) any funeral expense incurred as a result of the commission of the offense; (5) and the cost of any accounting or auditing done to determine the extent of loss if the cost is incurred and payable by the victim. *Brinson* Court went

on to state that economic loss does not include non-economic loss or any punitive or exemplary damages.

In the instant matter, it has not been proven by a preponderance of the evidence that there was an economic loss suffered by the victim in the above-captioned matter other than the funeral bill which was paid by the Ohio Reparations Fund. Counsel agrees that the funeral bill should be restitution. However, counsel does not believe that any other awards provided to the victims in the above-captioned matter should be considered as economic loss but are non-economic loss and should not be mandated to be paid by the Defendant.

Respectfully submitted;

/s/ Dennis A. Lieberman  
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**Certificate of Service**

I hereby certify that on this 14<sup>th</sup> day of January 2026 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)