

HOT SHEET NEWS

September 2004

DISCLAIMER

The information contained in the *Hot Sheet* comes from law enforcement agencies. The Bureau of Motor Vehicles (BMV) does not submit information, due to the Driver Privacy Protection Act. The information contained in the *Hot Sheet* is also based on arrests not convictions.



Program-to-Date Totals

August 1, 1991 to June 30, 2004

- 15,120 arrests of habitual offenders (five or more convictions)
- 17,088 calls were placed to 1-800-GRAB-DUI

A Monthly Newsletter
 Reporting Ohio's Habitual DUI Offenders

THE WORST



Stow Police Dept. Sgt. Jeff Film arrested Richard Davis, 50, for his **FIFTEENTH DUI** offense on 06/25/04. He refused the test. Davis was observed driving in a weaving pattern.

Huron Police Dept. Officer Sean Ryan arrested Patrick Kennelly IV, 37, for his **TWELFTH DUI** offense on 06/08/04. He refused the BAC test.

Athens Post Tpr. Jeremy Mendenhall arrested Samuel Brooks, 42, for his **ELEVENTH DUI** offense on 06/26/04. He had a loaded .45 in his coat and .34 grams of cocaine.

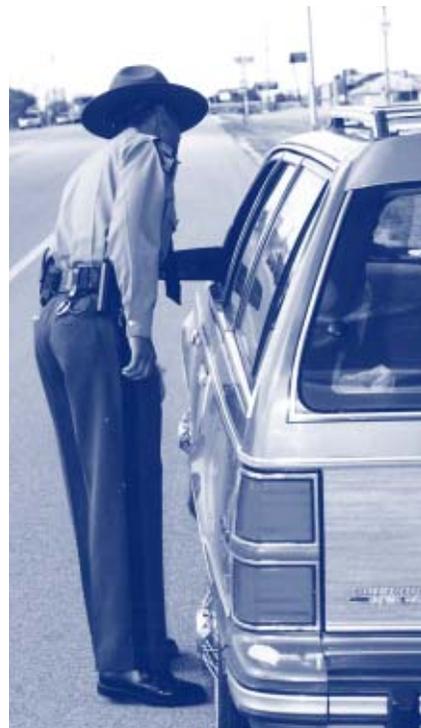
Canton Post Tpr. Todd Bradic arrested Brian Conley, 46, for his **ELEVENTH DUI** offense on 06/07/04.

Canton Post Tpr. Craig Polasky arrested Jon Feeman, 40, for his **TENTH DUI** offense on 06/05/04.

SHERIFF'S ARRESTS

Coshocton Co. Sheriff's Office Lt. Scott Mast arrested Michael Phillips, 41, for his **EIGHTH DUI** offense on 07/05/04. Phillips stole a vehicle from a bar parking lot, crashed into a parked vehicle and fled the scene. He tested .202 BAC.

Union Co. Sheriff's Office Deputy Kelly Nawman arrested Brian Eischen, 26, for his **SIXTH DUI** offense on 07/07/04. He was stopped for marked lanes violations and erratic driving. He left his vehicle and fled into a corn field.



Sheriff's Arrests

HOT SHEET NEWS

www.ohiopublicsafety.com

Reporting Ohio's Habitual
 DUI Offenders

LOCAL ARRESTS



Bellville Police Dept. Patrolman Don Rhinehart arrested Dexter Tabor, 37, for his **FIFTH DUI** offense on 07/05/04. He was stopped for following too closely and having expired plates.

Cincinnati Police Dept. Officer Thomas Stanton arrested Crista Buchanan, 47, for her **SEVENTH DUI** offense on 07/04/04. She was observed going a high rate of speed in a reckless manner.

Cincinnati Police Dept. Officer Bryce Bezdek arrested George Birch, 51, for his **FIFTH DUI** offense on 07/06/04. He was driving without lights and going 40mph in a 25mph zone. He tested .166 BAC.

Cincinnati Police Dept. Officer Jeff Wiczorski arrested Rolland Franks, 45, for his **EIGHTH DUI** offense on 07/12/04. His car struck a wall off the roadway. He tested .162 BAC.

Coitsville Twp. Police Dept. Patrolman Charles Butch arrested John Caracanas, 39, for his **SIXTH DUI** offense on 06/30/04. He was observed traveling left-of-center and also with child endangering. He tested .234 BAC.

Coitsville Twp. Police Dept. Patrolman Marc Eichert arrested James Ferranti, 46, for his **SIXTH DUI** offense on 07/11/04. His vehicle was speeding and going left-of-center. He tested .208 BAC.

Gallipolis Police Dept. Patrolman Matt Champlin arrested Gary Hunt, 47, for his **SEVENTH DUI** offense on 07/10/04. Hunt was stopped for driving left-of-center.

Lebanon Police Dept. Patrolman Schneider arrested Billie Dailey Jr., 38, for his **SIXTH DUI** offense on 07/25/04. Dailey was also an assault suspect.

Lebanon Police Dept. Patrolman Loveless arrested Justin Cunningham, 33, for his **FIFTH DUI** offense on 06/16/04. He refused the BAC test. Cunningham was driving his car through people's front yards. Loveless

also arrested Russell Todd, 54, for his **FIFTH DUI** offense on 07/05/04. Loveless received a call that a man was in a grocery store looking for his car, and he could barely stand up. He tested .184 BAC.

Miami Twp. Police Dept. Officer Bob Rose arrested Bruce Day, 47, for his **SEVENTH DUI** offense on 07/03/04. Officers Bob Rose and Brian Mehne stopped Day for driving left-of-center. He tested .210 BAC.

Miamisburg Police Dept. Officer Joshua Himan arrested Ralph Rich, 50, for his **SEVENTH DUI** offense on 07/04/04. He pulled out in front of the office almost causing an accident to the cruiser. This is a felony arrest.

Miamisburg Police Dept. Patrolman J.S. Muncy arrested Douglas Quillen Jr., 43, for his **SEVENTH DUI** offense on 07/12/04. He was stopped for a stop sign violation and a turn signal violation.

Mogadore Police Dept. Patrolman Zehner arrested Geoffrey Coast, 38, for his **EIGHTH DUI** offense on 07/19/04. He was stopped for speeding, not using signals and lanes of travel.

Reynoldsburg Police Dept. Officer James Triplett arrested Todd Ratai, 39, for his **SEVENTH DUI** offense on 06/23/04. He was passed out in a parking lot of a local business. He tested .217 BAC.

Sandusky Police Dept. Officer Wichman arrested Larry Miller, 50, for his **EIGHTH DUI** offense on 07/03/04. Officer Kenneth Nixon also arrested Miller for his **NINTH DUI** offense days later on 07/16/04. He tested .095 BAC.

Wapakoneta Police Dept. Patrolman Corey Zwiebel arrested Rex Steinke, 43, for his **SEVENTH DUI** offense on 07/10/04. He was observed going through a stop sign.

West Carrollton Police Dept. Officer Brian Neiford arrested Sharon Offenbacher, 37, for her **FIFTH DUI** offense on 07/03/04. She was observed driving erratically.

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OSHP ARRESTS



Athens Post Tpr. Jeremy Mendenhall arrested William Smith, 53, for his **SIXTH DUI** offense on 06/24/04. This was a felony DUI.

Batavia Post Tpr. Michael Shimko arrested Darrin Siler, 35, for his **SEVENTH DUI** offense on 06/06/04. Shimko also arrested Paul Sanders Jr., 41, for his **NINTH DUI** offense on 06/23/04.

Batavia Post Tpr. Matthew Hamilton arrested David Howard, 45, for his **NINTH DUI** offense on 06/04/04.

Bucyrus Post Tpr. Jared Klingensmith arrested Darrell Johnson, 50, for his **SEVENTH DUI** offense on 06/09/04. He tested .230 BAC.

Cambridge Post Tpr. Richard Chesar arrested Robert Haight, 44, for his **SEVENTH DUI** offense on 06/05/04.

Circleville Post Tpr. Patricia Nemeth arrested Peter Galownia, 63, for his **FIFTH DUI** offense on 06/22/04.

Circleville Post Tpr. Isaac Saunders arrested Dana Eitel, 43, for his **SIXTH DUI** offense on 06/14/04.

Defiance Post Tpr. Rodney Bingman arrested Loraine Boetz, 47, for her **EIGHTH DUI** offense on 06/01/04.

Gallipolis Post Tpr. Marvin Pullins arrested Johnny Sellers, 28, for his **FIFTH DUI** offense on 06/23/04.

Gallipolis Post Tpr. Joshua Risner arrested Gary Cox, 47, for his **SIXTH DUI** offense on 06/17/04.

Gallipolis Post Tpr. Mark McFann arrested Jeffrey Cundiff, 47, for his **NINTH DUI** offense on 06/05/04.

Ironton Post Tpr. Darrin Webb arrested George Wicker, 50, for his **SEVENTH DUI** offense on 06/30/04.

Lancaster Post Tpr. Rusty Lanning arrested Donald Jeffrey Jr., 52, for his **FIFTH DUI** offense on 07/02/04.

Lebanon Post Sgt. Mark Helsinger arrested Steven Ross, 31, for his **SIXTH DUI** offense on 06/05/04. This was a felony DUI.

Marion Post Tpr. Brent Hunter arrested Harold Simpkins, 50, for his **SIXTH DUI** offense on 06/26/04.

Marysville Post Tpr. Bradley Long arrested Donald Haymon, 54, for his **SIXTH DUI** offense on 06/30/04. He drove off a road and struck a utility pole.

Medina Post Tpr. Samuel Crist arrested Mark Willse, 42, for his **SEVENTH DUI** offense on 06/23/04.

Mt. Gilead Post Tpr. Shad Bierdeman arrested Donald Rhoads Jr., 41, for his

SEVENTH DUI offense on 06/16/04.

Mt. Gilead Post Tpr. Elizabeth Petro arrested Franklin Parrish, 43, for his **EIGHTH DUI** offense on 06/11/04.

Mt. Gilead Post Tpr. Justin Hurlbert arrested Jeff Moore, 41, for his **FIFTH DUI** offense on 06/05/04.

Ravenna Post Tpr. Jeffrey Greene arrested Brian Saderston, 44, for his **SEVENTH DUI** offense on 06/21/04.

Ravenna Post Tpr. Thomas Shevlin arrested James Yeagler, 50, for his **SIXTH DUI** offense on 06/04/04. Shevlin also arrested Timothy Freeland, 50, for his **SIXTH DUI** offense on 06/29/04.

Sandusky Post Sgt. Michael Knoll arrested Robert Adkins, 43, for his **SIXTH DUI** offense on 06/07/04.

Springfield Post Tpr. Thomas Palmer arrested Thomas Miller, 47, for his **SIXTH DUI** offense on 06/18/04.

Steubenville Post Tpr. Brian McFarland arrested Paul Dewalt, 59, for his **NINTH DUI** offense on 06/06/04.

Wapakoneta Post Tpr. Sharese Williams arrested David Bertke, 39, for his **FIFTH DUI** offense on 06/20/04. He was observed weaving inside his lane of travel.

West Jefferson Post Tpr. Raul Melo arrested Jeffrey Foley, 52, for his **FIFTH DUI** offense on 06/24/04.

Wilmington Post Tpr. Roger Pohlman arrested William Carroll, 44, for his **SIXTH DUI** offense on 06/27/04.

Wilmington Post Tpr. Kyle Hurles arrested Camella Woody-Tate, 40, for her **EIGHTH DUI** offense on 06/30/04.

IMPAIRED DRIVING LAW

EFFECTIVE SEPTEMBER 23, 2004

The following is a summary of House Bill 163, which goes into effect on September 23, 2004. For further information, please see the Legislative Service Commission's Web site at www.lsc.state.oh.us/.

Summary:

- Enacts an additional prohibition within the section that contains state OVI that prohibits a person who, within 20 years of the conduct has previously been convicted of or pleaded guilty to state OVI, state OVUAC or a municipal OVI offense, from doing both of the following: (1) operating any vehicle within Ohio while under the influence of alcohol, a drug of abuse, or a combination of them, and (2) subsequent to being arrested for operating the vehicle (1), being asked by a law enforcement officer to submit to a chemical test or tests under the vehicle-related Implied Consent Law, and being advised by the officer in accordance with R.C. 4511.192 of the consequences of the person's refusal or submission to the test or tests, refusing to submit to the test or tests.
- Specifies that a violation of the new prohibition is the offense of state OVI, and provides that the punishment for a violation of the new prohibition is the same as the punishment provided under existing law, with modifications made by the bill, for a violation of a high-end state OVI prohibition.
- Provides that state OVI is a felony of

the fourth degree if the offender previously has been convicted of five or more offenses of state OVI, a comparable municipal ordinance violation, state OVUAC, or any of a list of specified vehicle-related and alcohol-related offenses (hereafter, collectively referred to as "predicate offenses"), within 20 years of the offense.

- Provides an additional mandatory prison term of one, two, three, four, or five years for state OVI when it is a felony of the third degree or a felony of the fourth degree, if the offender also pleads guilty to or is convicted of a "State OVI Five Prior Conviction Specification" charging prior convictions, within 20 years of committing the offense, of five or more predicate offenses as enacted in the bill.
- Provides that, when a court imposes a mandatory term of local incarceration for a fourth degree felony OVI offense, the court imposes any additional community control sanction, and the offender violates any condition of the sanction, the court may take any action prescribed in R.C. 2929.15(B) relative to the offender's violation of the sanction, including imposing a prison term on the offender pursuant to that provision.
- Provides that, when a court imposes a prison sentence for a felony OVI offense, the court also may sentence the offender to community control sanctions.
- Except when the person's OVI offense was "high-end state OVI" or a comparable municipal

OVI provision, eliminates the requirement that a court must require a person to display restricted license plates as a condition of granting limited driving privileges when a license has been suspended for state or municipal OVI if the person has not been convicted of one or more prior state OVI or municipal OVI offenses or "equivalent offenses" within the previous six years and has not been convicted of felony state OVI any time previously; the bill's elimination of this requirement does not apply when the person's OVI offense was "high-end state OVI" or a comparable municipal OVI provision.

- Provides an additional mandatory term of imprisonment of up to six months for state OVUAC when the offender also pleads guilty to or is convicted of a "State OVUAC Five Prior Conviction Specification" charging prior convictions, within 20 years of committing the offense, of five or more predicate offenses as enacted in the bill, and the court imposes a term of imprisonment for the underlying state OVUAC offense.
- Lowers from 60,000 to 50,000 the threshold population that gives township police officers and township constables authority to make arrests for specified types of Traffic Law violations on highways included as part of the interstate highway system that are within the township.
- Requires the clerk of each municipal court, county court, and court of common

— Continued on the next page.

IMPAIRED DRIVING LAW

EFFECTIVE SEPTEMBER 23, 2004

— Continued from page 3.

pleas notwithstanding the Revised Code's other records retention and destruction provisions, to retain documentation regarding each criminal conviction and plea of guilty involving a case that is or was before the court; requires the documentation to be in a form that is admissible as evidence in a criminal proceeding as evidence of a prior conviction; requires the clerk to retain this documentation for a period of 50 years after the entry of judgment in the case; and specifies that these provisions apply to records currently retained and to records created on or after the bill's effective date, and makes other changes in the retention provisions.

○ Increases from a felony of the fourth degree to a felony of the third degree the penalty for vehicular assault if, in the same course of conduct that resulted in the vehicular assault, the offender also committed a specified "failure to stop after an accident" offense.

○ Changes the prohibited concentration of alcohol in the person's blood serum or plasma from .96% or more by weight per unit volume to .096% or more by weight per unit volume of alcohol in the state watercraft OVI and OVUAC law.

○ Expands the authorization to petition for limited driving privileges to also apply to an Ohio resident (including a juvenile) who is convicted of or pleads guilty to a statute of another state or federal statute that is substantially similar to any drug offense prohibited by R.C. 2925.02, 2925.03, 2925.04, 2925.041, 2925.05, 2925.06, 2925.11, 2925.12, 2925.13, 2925.14, 2925.22, 2925.23, 2925.31, 2925.32, 2925.36, or 2925.37 and whose license, permit, or privilege has been suspended by the Registrar (a Class D suspension, a definite period of six months).

○ Modifies when the Registrar is required to terminate an ALS suspension for state or municipal OVI or OVUAC so that the Registrar is required to terminate a suspension upon receipt of notice that the person has entered a guilty plea to or that person has been convicted after entering a plea of no contest under Criminal Rule 11 to state OVI or OVUAC or municipal OVI.

○ Adds three exceptions to the prospective nature of changes made by Am. Sub. S.B. 123 so that, under the bill, the following apply to conduct or an offense committed prior to January 1, 2004: (1) a person whose driver's or commercial driver's license, temporary instruction permit, probationary license, or nonresident operating privilege was suspended by a court may apply to the sentencing court for limited driving privileges pursuant to R.C. 4510.021(A), (2) a person whose license, permit, or privilege was suspended by the Registrar of Motor Vehicles may apply for limited driving privileges under R.C. 4510.021(B) if limited driving privileges are expressly authorized by a section of the Revised Code for the type of conduct or offense that caused the suspension, and (3) a person whose license, permit or privilege was suspended, canceled, or revoked for life may file a motion for modification or termination of the suspension, cancellation, or revocation in accordance with R.C. 4510.54. Finally, the bill requires that the terms and conditions of any limited driving privileges granted under these three provisions are to be governed by the law in effect on and after January 1, 2004.

○ Amends several sections that refer to R.C. 4511.194, which is the offense of having physical control of a vehicle while under the influence, to also include references to a substantially equivalent municipal ordinance.

○ Removes references to "special" license plates in favor of the term "restricted" license plates.

○ Requires that, when a person with a temporary instruction permit and identification card drives a motor vehicle, the eligible adult or person over 21 years of age who occupies the seat beside the person driving the motor vehicle not have a prohibited concentration of alcohol in the whole blood, blood serum or plasma, breath, or urine.

○ Defines "continuous alcohol monitoring" and specifically authorizes it as a community control sanction in criminal and delinquent child cases, either as an independent sanction or in conjunction with electronic monitoring as a sanction.

○ The bill was amended on the Senate floor to address an Ohio Supreme Court opinion that said a defendant must know he or she is committing a drug offense near a Drug-Free School Zone in order to receive an increased sentence. Under the bill's amendment, a defendant no longer must have this knowledge in order to receive an increased sentence.

NOTES

◆ In order to process your HOT SHEET Report Form, please either print legibly or type. It is difficult to process some reports because they smear in the faxing process.
Thank you!
The Editor

◆ If anyone has photos from sobriety checkpoints or other alcohol-related programs, please send them, along with a small explanation, to:
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HOT SHEET NEWS

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If you would like more information about the Habitual Offender's Program or would like to inform us about your agency's Hot Sheet arrest, please contact the Department's Communications Office at
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