TESTIMONY OF LARA N. BAKER-MORRISH, CHIEF PROSECUTOR

COLUMBUS CITY ATTORNEY RICHARD C. PFEIFFER JR.'S OFFICE,

ON HB 96

BEFORE THE OHIO HOUSE CRIMINAL JUSTICE COMMITTEE

Chairman Manning, Esteemed members of the Committee, thank you for allowing me to submit my testimony today.

My name is Lara Baker-Morrish. I am the Chief Prosecutor for Columbus City Attorney Richard C. Pfeiffer, Jr.'s Office. I have been with the Columbus City Prosecutor's Office since 1993 and have spent the last 10 years in the position of Chief Prosecutor. Our office prosecutes misdemeanor crimes committed in the City of Columbus as well as those that occur in the unincorporated townships of Franklin County.

The Annual Reports of the Franklin County Municipal Court Clerk for 2012-2015 show that the offense of Sexual Imposition has been charged 88 times in four years. But this number does not tell the full story. A breakdown of sexual imposition charges filed under the state code provisions from January 1, 2012 through March 25, 2017 reveals 79 violations alleged to have been committed by 43 defendants with 3 of those defendants having been charged with four or more counts. In other words, the majority of defendants accused of sexual imposition are accused only one time but for those who are accused more than once they appear to be serial offenders with no intention of stopping.

The case of Lonnie Sturdivant elucidates this point. Mr. Sturdivant has been charged with Sexual Imposition 19 times since 2011 and has been convicted of the offense 11 times with the remaining 8 charges either dismissed to pursue a felony indictment or dismissed in exchange for pleas to other charges. The violations have largely occurred in the area of the Ohio State University, Columbus State University, and upon COTA busses. Despite the numerous convictions, repeated attempts at court-ordered counseling, and an extensive amount of jail time for misdemeanor crimes, Mr. Sturdivant persists. In addition to the sexual imposition charges themselves, Mr. Sturdivant has been charged and convicted numerous times with criminal trespass for returning to the areas he had been excluded from by virtue of his prior illegal sexual contacts with unsuspecting and non-consenting strangers. He will not stop.

The current law is sufficient to address most allegations of unwanted sexual contact but it is not sufficient to address a serial offender such as Mr. Sturdivant. And he is not the only one – among the 79 charges filed since 2012, 5 other men have been alleged to have committed the violation 3 or more times. By allowing for an increased jail term as well as the ability to run the misdemeanor time consecutive to rather than concurrent with felony time, the municipal court is given greater flexibility to address the underlying mental health issues of the defendant while affording the court the ability, if necessary, to protect the public for greater periods of time from these threats to public safety.

HB 96's amendment to remove the requirement that a person cannot be convicted of sexual

imposition based solely upon a victim's testimony is likewise warranted. At current time, sexual imposition is the only crime that requires, as an element of the offense, that the statements of the alleged victim be supplemented in order to sustain a conviction. And yet secrecy and attempts at concealment are inherent to these crimes – in fact, part of the thrill for the offender is observing the level of shock and surprise experienced by the unsuspecting victim. As a result, there often is no other witness to the offense itself – even in a crowded bus, surrounded by other passengers, it is only the victim that feels the perpetrator's hand.

In conclusion, I strongly urge this Committee to consider these matters when reviewing the proposed amendments contained in HB 96. I would be happy to answer any questions you might have.