



**Representative John M. Rogers**  
**60<sup>th</sup> House District**  
**Representative Shane Wilkin**  
**91<sup>st</sup> House District**

*Wilkin First Half of Testimony:*

Chairman Lang, Vice Chair Plummer, Ranking member Leland and members of the House Criminal Justice Committee. I am honored to be joined by my colleague Rep. John Rodgers to present sponsor testimony on House Bill 85, The Extreme Capitol Case Funding Bill.

On the night of April 21 into the morning hours of April 22, 2016, 8 members of a Pike County family were murdered. Christopher Rhoden Jr. 16, Hanna Rhoden 19, Hannah Gilley 20, Clarence "Frankie" Rhoden 20, Dana Rhoden 37, Gary Rhoden 38, Christopher Rhoden Sr. 40 and Kenneth Rhoden 44. Each victim except for one had multiple gunshot wounds. For the next two and a half years Families in rural southern Ohio lived in fear and confusion while trying to comprehend how such a terrible act of violence could have happened in their small rural community. Finally, on November 13, 2018 6 individuals were arrested for this crime with 4 of those six being indicted for murder with Capital offense specifications. As the State and the Defense prepare for trial for a case of this magnitude, a glaring fact is that Ohio is not positioned nor do we have a process in place that provides adequate financial assistance for prosecution or indigent defense in Capital cases like this.

Members of the committee, justice cannot be available only to those that can afford a proper defense or for counties that have the means to adequately prosecute crimes such as this. Therefore, the need for this Bill.

This bill is about justice. This bill establishes a procedure for counties needing to seek financial assistance from the State that is inclusive of the State Attorney General as well as the State Public Defender with final approval of funding coming from the

State Controlling board. The General Assembly would be irresponsible stewards of taxpayer dollars if it were to simply write a check to a county without addressing the serious structural concerns under existing law which this Bill does. This Bill has received input from The Attorney General's office, Public Defender, Prosecutors Association and the County Commissioners Association. All of whom are supportive.

I will now turn this over to my colleague, a former Asst. Prosecutor, Rep. Rodgers for more specifics within the bill.

*Rogers Second Half of Testimony:*

Each of Ohio's 88 counties is charged with the responsibility of prosecuting violations of Ohio law on behalf of the state. While counties are an extension of State government, Ohio has a responsibility to ensure that a sound judicial system exists within our courts of law and equal justice is afforded to all. The state is all powerful. It can take away one's liberty, which for some can be a lifetime. When it comes to a capital offense, it alones has the authority to take one's life.

The state's charge then is to seek justice while protecting the rights of the parties involved, ensuring that those who that commit horrendous acts of violence are held accountable for their actions, while at the same time, providing a defense for the accused through representation at trial - when the accused cannot afford to do so on their own behalf. That is a fundamental right afforded only in criminal matters.

Prosecuting and defending complex criminal cases is very costly not only because of the circumstance brought to trial but because of the rights we are charged with protecting and because of what is at stake. Unfortunately, financial demands a community may face when having to deal with certain crimes, crimes like those committed in Pike County can be cost prohibitive to say the least.

HB85's sole intent is to create a framework within the law that would provide Ohio's counties with a means to petition the State for financial assistance when the costs of prosecuting and defending cases involve an offense that includes a capital specification, multiple defendant's and/or victim/s. The ability to petition the State for this assistance would occur when the prosecution of these cases exceeds a threshold that would otherwise place the county in financial distress, if not threaten financial ruin.

Our legislation proposes that to be eligible for assistance, capital cases must include multiple victims or defendants and have an estimated cost of a trial that exceeds five percent of a county's budget for the year in which the case is prosecuted. The assistance, if granted, is made available through the bills request of a \$4 million appropriation from the General Revenue Fund to the Controlling Board's Emergency Purposes Fund. In the case of Pike County, a county of approximately 28,000 residents, this is the amount estimated to be necessary to cover the anticipated expenses related to the ongoing capital trial proceedings.

Both Representative Wilkin and I respectfully ask each of you for your support for this important legislation. We are happy to answer any questions of the committee at this time. Thank you.

Sincerely,

A handwritten signature in black ink, appearing to read "J. M. Rogers".

John M. Rogers  
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