



# JASON D. HOLDREN

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Proponent Testimony H.B. 161

2<sup>nd</sup> Hearing, Thursday, April 11, 2019: House Criminal Justice Committee – 11:00 AM Room 116  
Witness: Jason D. Holdren, Gallia County Prosecuting Attorney

Chairman Lang, Vice Chair Plummer, Ranking Member Leland, and members of the House Criminal Justice Committee, thank you for the opportunity to present proponent testimony on House Bill 161. My name is Jason Holdren and I am the prosecuting attorney from Gallia County. With me today is Gallia County Sheriff, Matt Champlin.

Since taking office in January of 2017, our main focus and objective has been to combat our local drug epidemic that regularly steals our loved ones from us. In our county of 30,000 people, we have lost fifty-eight lives to overdose in the last four years. Forty-nine of those lives were lost to heroin and/or fentanyl. In our battle, we use proactive police tactics and aggressively prosecute drug traffickers. My county has two successful drug courts (Gallia County Common Pleas and Gallipolis Municipal Court), and we are seeing great progress. Sheriff Champlin has spearheaded a rapid response team to encourage those that have overdosed to seek treatment. Again, we are seeing advances in this fight against addiction in our community and making referrals for treatment. In the two years I have been in office, we have sent over one-hundred and twenty individuals to community based corrections facilities to avoid prison. I think it is fair to say, we are trying everything to combat this evil.

During my time in office, we have investigated and successfully prosecuted three separate instances of individuals discarding a corpse following a fatal overdose. Out of these investigations, my office has secured seven convictions against seven defendants for Gross Abuse of a Corpse, felonies of the fifth degree. Two instances involve witnesses that chose to “clean up” the crime scene, place the deceased in a vehicle, and relocate the vehicle to a remote part of the woods in hopes that the body would never located.

It wasn't until the summer of 2016, that Ohio Revised Code Section 2927.01(B) came under fire in Gallia County. It reads, “No person, except as authorized by law, shall treat a human corpse in a way that would outrage reasonable community sensibilities.” Whoever violates this section is guilty of gross abuse of a corpse, a felony of the fifth degree.

On July 19, 2016, Jessica Berry was first reported missing. On July 31, 2016, Jessica Berry was located. Her body had been cut into twelve separate pieces. The investigation revealed that Berry, who was in active addiction and had overdosed on prior occasions, was with a male acquaintance when she fatally overdosed. The male acquaintance dismembered her body, placed her body in trash bags, relocated her body across the Ohio River into West Virginia, and buried her remains. The perpetrator was convicted of Tampering with Evidence, a felony of the third degree, and Gross Abuse of a Corpse, a felony of the fifth degree, and ultimately sentenced to the maximum sentence of forty-eight months in prison. This case shook our community and continues to haunt many. This type of conduct is read about in books or portrayed in movies, but does not happen in Gallia County. Or so we thought.

The toughest part of my job is discussing these cases with the family of the victim and explaining the legal process. It is difficult to look them in the eye and inform them that the law only allows for a maximum twelve-month sentence on such an outrageous, irresponsible, and heinous act. Although I attempt to explain how laws are changed, the family only seeks justice for their loved one and would rather not hear my explanation. Therefore, I applaud the efforts of Representative Ryan Smith for bringing this bill to the House and fully support enhancing the penalties for Gross Abuse of a Corpse from a felony of the fifth degree to a felony of the third degree.

To quote Gallia Common Pleas Judge Margaret Evans in her sentencing entry on the Berry case, "Death by overdose must be investigated by either a medical professional at a hospital emergency room or by some member of law enforcement. Due to the Defendant's actions of removing the body from the scene, dismembering the body, burying it where it was not discovered for eleven days (forever undiscovered if the Defendant's plan had worked), no official investigation was able to be conducted about the circumstances of Ms. Berry's death. Further, the dismemberment of a body is the most egregious manner of abusing a corpse. Our community expectations require the bodies of our family, friends and fellow community members to be treated with peace and respect."

Thank you for your time and service to the State of Ohio. I appreciate the opportunity to share my perspective and what we are seeing "in the trenches." I am honored to share this proponent testimony for HB 161 and the Sheriff and I would be happy to answer any questions.