



PROSECUTING ATTORNEY'S OFFICE SCIOTO COUNTY, OHIO

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May 29, 2025

Ohio House Judiciary Committee
The Honorable Chairman Jim Thomas
136th General Assembly

RE: Written Testimony in Support of HB 252

Chairman Thomas, Vice-Chair Mathews, Ranking Member Isaacsohn, Members of the Committee:

Thank you for the opportunity to submit written testimony on behalf of House Bill 252, sponsored by Representative Gary Click and Representative Adam Bird. This bill has special significance to me inasmuch as the bill addresses a case originating from Scioto County, Ohio, to wit: State v. Donald R. Bertram, Jr., 173 Ohio St.3d 186 (May 3, 2023). I felt it would be appropriate to provide some case background for the committee.

The facts of the case involved Donald Bertram, Jr. who had spotted the victim Tim Huff's open garage door as he was traveling by in his vehicle. Mr. Bertram continued in his vehicle down the street, circled back around and parked his vehicle further up the street. He then proceeded down and walked into the open garage. It should be noted that the garage is considered part of the residence when it is attached and there is direct access to the home. Such was the case here. While, in the garage Mr. Bertram helped himself to the homeowner's leaf blower and walked out of the garage. He ignored the homeowner's attempts to get him to stop and drop his property. Mr. Bertram got in his car and left.

Mr. Bertram was subsequently apprehended, indicted for burglary, and tried by a jury. In the State's case in chief, it was argued that Mr. Bertram employed stealth in parking up the street and proceeding on foot to the vicinity of the victim's home so he could approach quietly and quickly gain access to the open garage. The car Mr. Bertram was driving was noted by the victim as having a very loud exhaust when he initially drove past the home. Choosing not to park directly in front of the home reduced the chance of drawing the attention of occupants in the home. Thankfully, Mr. Huff was outside and observed his approach.

Mr. Bertram was convicted by the jury of Burglary and was sentenced to eight to twelve years in prison. It should be noted that Mr. Bertram had prior criminal history which included multiple occasions of assaultive behavior, domestic violence and assault convictions and a prior

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burglary. Further, at various times he had violated conditions of community control which resulted in revocation proceedings.

The case was upheld by the Fourth District Court of Appeals who gave deference to the jury verdict and opined various ways that the jury could have concluded the necessary element of force, stealth or deception.

As this committee is aware, the Supreme Court reversed on that ground and the case was remanded back to the trial court for sentencing on criminal trespass and theft.

After his release, Mr. Bertram went straight back to disregarding the laws of the State of Ohio. In 2023, he was convicted of a misdemeanor assault. In February of 2024, Mr. Bertram, in a crime of opportunity, stole an SUV. In the backseat of the SUV were two children in car seats, ages one and three years old. Thankfully, Mr. Bertram's trip was short-lived and he was apprehended with no harm to the children. This event resulted in an indictment for two counts of kidnapping and one count of grand theft auto. Mr. Bertram wisely entered a plea agreement and through a jointly-recommended sentence will be spending the next four to six years in prison.

The brazen disregard for compliance with the law displayed by Mr. Bertram unfortunately appears to reflect a greater disregard for law and order by society. From the victim's point of view, it matters not if it was by force, stealth, deception or none of the above. Regardless of the method of entry into the home, a very dangerous situation is created. In fact, it could be argued that such a scenario is even worse when an individual has no hesitation in committing such crimes in the light of day.

I thank the committee for its time and consideration and would ask that Ohio eliminate the element of force, stealth or deception from the statute.

Thank you for your time and consideration.

Respectfully,



Shane A. Tieman
Prosecuting Attorney
Scioto County, Ohio