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Sponsor Testimony – Substitute Senate Bill 13
House Judiciary Committee
May 5, 2015

Chairman Butler, Vice Chair Manning, Ranking Minority Member Stinziano, and members of the House Judiciary Committee, thank you for the opportunity to speak to you today in regards to Substitute Senate Bill 13, which Senator Shannon Jones has jointly sponsored with me. This legislation seeks to extend the period of limitations for beginning prosecution for rape or sexual battery against a person who is implicated by DNA analysis.

As a former assistant county and city prosecutor and bailiff, I have witnessed first-hand the hardships that victims of rape and sexual battery have had to face. As legislators, parents, and members of the community, it is our duty to strive to protect our children from harm, and see that Ohio law allows for justice to be served. As stated by the National Center for Victims of Crime, only 46 percent of rapes in the United States are reported to police, and of these reported cases, only 9 percent result in prosecution. But even more importantly, victims deserve better. If the DNA evidence is there, then these criminals must be prosecuted and held accountable for their actions.

Currently, Ohio law allows for a case of rape or sexual battery of an adult to be prosecuted up to 20 years after the incident. In the case of the rape of a minor, the 20 year time frame would begin when the child turns 18. According to the “Sexual Assault Statute of Limitations/DNA Exception Chart” found on the National Center for Victims of Crime website, there are at least 27 states that have some form of a DNA exception to extend the time limit for prosecution.

As reported by the Ohio Alliance to End Sexual Violence, it is estimated that 1 in 5 women and nearly 1 in 71 men have experienced rape in their lifetime. In the State of Ohio, over 743,000 women are survivors of rape. No child or adult should ever have to have to endure the trauma of this heinous crime. Victims of rape and sexual battery experience a grave emotional, physical, and psychological disturbance that frankly I can't even fathom. It is no surprise that many victims need time to heal and come forward to friends and family before they can consider testifying before the public about their traumatic experience. Substitute Senate Bill 13 seeks to extend the statute of limitations for commencing a rape or sexual battery prosecution against a person who is implicated in the offense by DNA analysis. This extension would in turn allow victims to take the time they may need to emotionally prepare themselves to speak about the crime. It is difficult to imagine the further emotional trauma a victim must experience when finally seeking legal action, only to find out that the case has expired due to a 20 year statute of limitations in Ohio law, even though the evidence needed to convict the attacker exists.

As a father and a family man, I was moved by an article that I read in the Columbus Dispatch published in April of last year. This story of a 13-year-old girl who became a victim of

rape on a Tuesday morning while waiting at her school-bus stop devastated me. Law enforcement officials made this case a priority, and ran the DNA test. The evidence from the rape matched a DNA profile already in the state database. Two days after the incident, thirty-six-year-old Antonio Fillmore was identified and arrested.

As you can see, the technology to prosecute criminals for this atrocious crime is both accurate and available. Substitute Senate Bill 13 would allow some victims the emotional time they need to come forward, while still ensuring accuracy due to the hard evidence involved.

The substitute bill before you today is the product of many meetings between myself, Senator Jones, Senate Criminal Justice committee Chairman John Eklund and other members so that we can get this legislation passed.

The language seeks to address some of the issues raised in committee hearings on Senate Bill 324 from the last General Assembly. This substitute bill states that individuals would have at least five years to prosecute the case from the time the DNA match is made, with a five-year extension being applied to cases with fewer than five years remaining under the original statute of limitations. By reducing the proposed floating statute of limitations period down to five years, law enforcement and prosecutors should have more incentive to move these cases expediently adding that the likelihood of successfully prosecuting cases diminishes as time goes by.

This legislation would allow our victims to seek the justice they deserve. If this legislation aids in the prosecution of even one rape case, I believe it to be well worth the legislature's time because an Ohio community will be made safer that day and the victim can finally begin the healing process.

Substitute Senate Bill 13 received proponent testimony in the Senate Criminal Justice committee from the Ohio Alliance to End Sexual Violence and the Action Ohio Coalition for Battered Women. The legislation received bipartisan support in the Ohio Senate as it was favorably reported from the Senate Criminal Justice committee 9-1 and on the Ohio Senate floor 32-1.

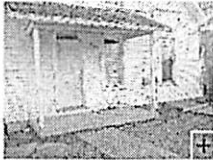
Members of the House Judiciary Committee, it is with sympathy, compassion, and a heavy heart for all victims of rape and sexual battery that I ask for your favorable consideration of Substitute Senate Bill 13 and welcome any questions that you may have.

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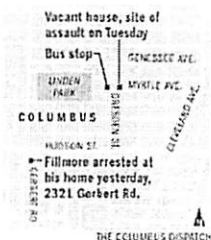
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Here behind a vacant house at 1452 Myrtle Ave. in North Linden, a 13-year-old girl was raped while she was waiting for a school bus, police say.



Antonio J. Fillmore



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A DNA match led Columbus police yesterday afternoon to arrest a man at his South Linden home in the rape of a 13-year-old girl who was assaulted while waiting for a school bus.

Antonio J. Fillmore, 36, of 2321 Gerbert Rd., is charged with two counts of rape. Columbus police accuse him of the Tuesday morning sexual assault of the girl behind a vacant house in North Linden.

Fillmore was in the Franklin County jail last night and is scheduled to appear this morning in municipal court.

The girl, a Columbus middle-school student, was approached by a man about 6:30 a.m. on Tuesday, as she waited alone for her school bus near the corner of Dresden Street and Myrtle Avenue.

She told police that the man — a stranger to her — struck up a conversation and then forced her behind the nearby vacant house at 1452 Myrtle Ave.

Fillmore, who is 5-foot-8 and 255 pounds, hit the girl in her face and grabbed her by her mouth while he raped her, court documents say.

The key to breaking the case was DNA evidence from the crime scene that was tested by the state Bureau of Criminal Investigation. The DNA matched a sample taken from Fillmore, Columbus police said.

All people convicted of felonies, and anyone arrested on a felony in Ohio since 2011, are required to have their DNA entered in a state database, said Dan Tierney, a spokesman with the state attorney general's office.

Tierney said that when a case is considered to be urgent, the state bureau will expedite the DNA analysis.

Fillmore was sentenced in 1998 to three years in prison for felonious assault and another six months for drug trafficking in 2006. Documents in that case indicate the sentence was to run at the same time as another sentence from Wood County, W.Va.

Fillmore was arrested in 2010 in Columbus on a fugitive-from-justice charge out of West Virginia. Details on the West Virginia cases were not available last night.

Municipal court records show that Fillmore also has been charged three times with domestic violence and assault — twice against women with whom he has children. He also was charged once with child endangerment. State records show he has at least three children between the ages of 9 and 17.

SWAT officers arrested Fillmore without any problems yesterday afternoon at the Gerbert Road house, which is six-tenths of a mile from where the assault occurred.

A person at the home last night declined to talk about the case. Myrtle Avenue residents said yesterday that they're relieved about the arrest. They also are being protective of the girl and her family.

The Dispatch does not name victims of sexual assaults.

Mildred Sutfin-Smith said she has been in contact with the girl and her family, and they request that they be left alone.

"The child has been having nightmares," Sutfin-Smith said. "This has ripped this family apart. But they are coming together."

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Meanwhile, Sutfin-Smith and Redginal Berry, a fellow resident of the North Linden neighborhood, said that people are stepping up in the wake of the attack.

Residents for the past two mornings have been out on their porches, keeping a close watch on children walking to school, they said.

Berry and Sutfin-Smith are launching a plan to organize "porch parents" — residents who will hang orange signs on their porches, designating them as a place where a child can go for help.

Sutfin-Smith said the arrest helps to rebuild trust in the neighborhood.

"We don't have to look over our shoulders now," she said.

Dispatch Reporter Theodore Decker contributed to this story.

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