

IN THE COURT OF COMMON PLEAS, PIKE COUNTY, OHIO

STATE OF OHIO,

Case No. 2019CR000068

PLAINTIFF,

JUDGE COSGROVE

vs.

CHARLES S. READER,

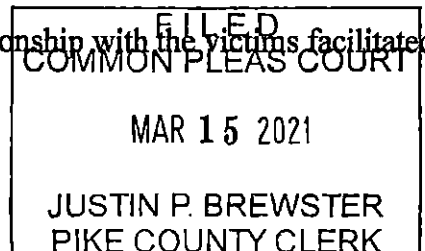
SENTENCING MEMORANDUM

DEFENDANT.

Now comes the State of Ohio and respectfully recommends this Honorable Court sentence the Defendant, former Pike County Sheriff Charles Reader, to a lengthy term in prison for the crimes to which he has pled guilty. The State will defer to the sound discretion of the Court for the length of the term to be served by Defendant in prison.

Sentencing in this matter is guided by the purposes and principals of felony sentencing as spelled out in R.C. 2929.11. The overriding purposes are to protect the public from future crime by the offender and others, and to punish the offender. The sentencing court shall consider the need for incapacitating the offender, deterring the offender and others from future crime, rehabilitating the offender, and making restitution to the victim of the offense, the public, or both.

The factors to be considered are spelled out in R.C. 2929.12. The victims of the theft offenses, both Pike County and the individuals whose money was stolen from the evidence bags, suffered economic harm from Defendant's conduct. Defendant held a public office in Pike County, and the offenses were related to that office. Defendant's elected office obliged him to prevent the offenses or to bring others committing them to justice. Defendant's occupation, elected office, and profession were used to facilitate the offenses. Defendant's relationship with the victims facilitated the offenses.



any of the offenses would demean the seriousness of that offense and would not adequately protect the public from such offenders—not simply this Defendant, but every sheriff in Ohio and every Prosecutor in Ohio who can be misled into thinking that public funds are slush funds for which there is no duty of accountability and an ability to lie when someone asks for accountability. Supra at P 29.

All of these sheriffs had one thing in common with Defendant. Their Presentence Investigations (PSI) would have all contained the same findings based on the sentencing factors as those found in Defendant’s PSI. They would all have law abiding histories and other circumstances which would make recidivism unlikely. Yet they were all sentenced to significant terms in prison due to the same seriousness factors as those which apply to Defendant.

In late 2018, the Auditor of State’s Office received anonymous information that Defendant, the elected Pike County Sheriff, was stealing evidence funds in his possession and had a gambling problem. Following a preliminary investigation which confirmed some of the information, the Auditor of State’s Office obtained and executed a search warrant at the Pike County Sheriff’s Office on December 13, 2018. The search included the safes in the Sheriff’s Office and specifically the safe located in Defendant’s office, where the evidence funds were to have been kept. Defendant was present during most of the time when the search was executed in his office. He spoke with investigators during the search of his office. All of the evidence bags which were to have been stored in the safe in Defendant’s office were missing from the safe.

Soon after the execution of the search warrant, Defendant’s legal counsel called the Auditor of State’s Office to advise that Defendant had turned over to him evidence which should have been in the safe in Defendant’s office when the search warrant was executed on December 13, 2018. Investigators arranged to pick up the evidence at Defendant’s counsel’s office on December 20, 2018. The evidence turned over by Defendant consisted of fourteen evidence bags containing currency seized by the Pike County Sheriff’s Office during separate Criminal Investigations. Defendant was present when his counsel turned over the evidence bags. Defendant was present when the funds were counted by investigators.

FILED
Criminal Investigation COURT
MAR 16 2021
JUSTIN P. BREWSTER
PIKE COUNTY CLERK

Defendant was an elected official. The Court in *State v. Mciver*, 2005-Ohio-1296 (Ohio App. Dist. 10, 2005), stated that appellant's position as an elected official "makes her crime more egregious" for sentencing purposes.

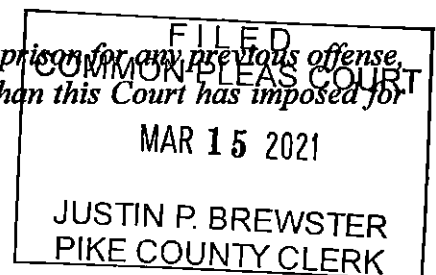
Most importantly, Defendant was the highest ranking law enforcement officer in Pike County. His sworn duty was to enforce the law and, instead, he repeatedly broke the law. The people of Pike County are the ultimate victims of the overall illegal conduct by Defendant because they are the ones who will suffer from a loss of trust in law enforcement in general and in the highest law enforcement official in the County in particular.

As this Court is well aware, elected county sheriff's in Ohio have, over the past twenty years, often run afoul of the law. Fairfield County Sheriff Gary DeMastry was sentenced to six years in state prison for various similar theft offenses. Athens County Sheriff Pat Kelly was sentenced to seven years in state prison for similar conduct. Sandusky County Sheriff Kyle Overmyer was sentenced to four years in state prison for theft of drugs and other related offenses. In addition, Mahoning County Sheriff Phil Chance was sentenced to 71 months federal prison for his misconduct. Allen County Sheriff Samuel Crish was sentenced to eleven years in federal prison for his misconduct.

The point of this litany of Ohio Sheriffs being sent to prison for crimes committed as county sheriffs is directly related to the purpose and principal of deterring others similarly situated from committing crimes. All have deservedly been sentenced to lengthy prison sentences.

In *State v. DeMastry*, 155 Ohio App.3d 110 (Ohio App. Dist. 5 2003), appellant argued he should have been sentenced to the shortest authorized prison term due to his lack of a criminal record. The Court quoted the following from the trial judge's statements at DeMastry's sentencing in upholding the longer sentence:

The Court finds that this Defendant has not been sentenced to prison for any previous offense, but that community control sanctions or any lesser penalty than this Court has imposed for



Further investigation of the evidence bags revealed that several of them had been cut open and resealed subsequent to their having been initially sealed and turned over to Defendant by Pike County deputies. The normal process for handling seized currency was to first turn it over to Lt. Burchett who, along with another law enforcement officer, would each count the currency, record the total, and also record the specific denominations of the bills on a currency denomination sheet. Lt. Burchett also purchased a video recorder with his own funds with which he recorded the entire process and then saved the video recording. He then placed the currency in an evidence bag, noted the necessary information on the face of the bag, sealed the bag and turned the bag over to Defendant to be stored in the safe in Defendant's office, the final step having been ordered by Defendant in early 2017.

When investigators from the Auditor of State's Office examined the evidence bags, it was apparent that a number of them had been opened and resealed without proper notation, subsequent to being sealed by Lt. Burchett and prior to Defendant having turned the evidence bags over to them on December 20, 2018. Examination of the currency in four of the bags clearly showed that the currency in the bags was different than that shown on the video recording made by Lt. Burchett and different than the bills noted on the currency denomination sheets. In two instances, the majority of the bills removed from the evidence bags by investigators for the Auditor of State's Office were uncirculated and consecutively numbered bills. These were clearly different than the well circulated bills seen in the video recording. In the other two instances, the bills did not match the denominations on the currency denomination sheets or the bills viewed in the video recording.

Defendant has pled guilty to two counts of Theft in Office, in violation of R.C. 2921.41, each being a felony of the fourth degree. He has also pled guilty to Tampering with Records, in violation of R.C. 2913.42, each being a felony of the third degree. All four counts relate to Defendant's cutting open and removing the funds contained in each bag. The bags contained

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COMMON PLEAS COURT
MAR 15 2021
JUSTIN P. BREWSTER
PIKE COUNTY CLERK

\$6,020.00, \$1,134.00, \$7,000.00, and \$621.00 respectively for a total of \$14,775.00.

Defendant stated during his PSI interview that the money he stole from the evidence bags was used for charitable purposes and not to support his gambling habit, a habit to which he admitted to the investigators in his statement made during the execution of the search warrant at his office on December 13, 2018. The evidence does not support this claim. The majority of the acts covered in this indictment took place between June 2017 and September 2017. During this time period, Defendant spent a large sum of money, relative to his income, on expenses unrelated to normal living expenses.

Defendant lost almost \$3,000.00 gambling at the Scioto Downs Racino between June 2017 and September 2017. In late June of 2017, he took a trip to Reno, Nevada for a Sheriff's Conference where he withdrew over \$2,800 at the ATM machines on the floor of the Atlantis Casino. This is in addition to the expenses related to the trip, for which he was not reimbursed until later.

On or about August 19, 2017, Defendant provided Frederick Foill with \$3,500.00 in cash to use to purchase the 2013 Nissan Versa at the Pike County Sheriff's auto auction for Defendant's daughter. Foill purchased the vehicle for \$2,000.00. This purchase was the subject of Counts 8 and 9 of the Indictment.

Additionally this does not explain Defendant's conduct at the search and seizure he personally conducted on June 22, 2017 at 188 Rainbow Trail, Waverly, Ohio where he was heard and seen by Deputy Larry large counting out over \$7,000.00 in seized currency. Yet when Defendant turned the currency over to Lt. Burchett to be counted and placed in an evidence bag, he only turned in \$6,020.00, funds which he later stole in their entirety after Lt. Burchett turned the sealed evidence bag containing the money over to Defendant.

Defendant further stated during the PSI interview that he had placed the contents of the bags in which the evidence bags were stored in a lock box in his Ford F250 Sheriff's cruiser for safety due to an upcoming inspection of the Sheriff's Office monitors and cameras by Tri-State. One would

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PIKE COUNTY CLERK
MAR 15 2021
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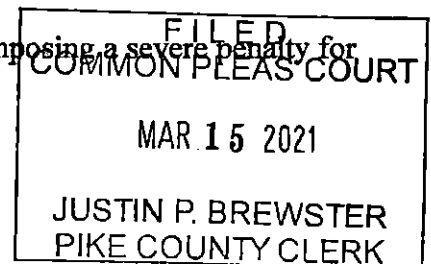
question how this would make the evidence bags safer than placing them in another of the Pike County Sheriff's evidence safes, all of which were inspected by investigators during the search warrant, and none of which were emptied "for safety purposes" prior to the inspection by Tri-State.

One would also question why Defendant would not have mentioned this to the two investigators from the Auditor of State's Office who were with him during the execution of the search warrant at his office on December 13, 2018, when he opened the now empty safe, or why he would not have brought the evidence bags back into his office after he left the office during the safe to travel to another location in his cruiser and then returned while the search was still in progress.

Finally, Defendant admitted to replacing the funds which he stole from the four evidence bags. Forensic auditors for the State Auditor's Office have reviewed Defendant's finances and assets for the entire time period from when the thefts began until after the replenished evidence bags were turned over to the State by Defendant. They cannot identify any source of funds or assets belonging to Defendant from which Defendant could have replenished these funds. This raises even more questions as to the source of the currency which was found in the evidence bags by investigators.

There is another reason for this Court to impose a lengthy prison sentence on Defendant. Sir Robert Peel, the so-called Father of Modern Policing, expressed this reason in his Core Ideas behind effective policing. The key to preventing crime is earning public support. Every community member must share the responsibility of preventing crime, as if they were all volunteer members of the force. They will only accept this responsibility if the community supports and trusts the police. The police earn public support by respecting community principles.

Defendant has, through his criminal misconduct, done everything in his power to undermine public support for law enforcement. The news is filled with examples of which cause people to lose faith in law enforcement. This is one glaring example. Faith in the law enforcement system can be restored by holding offenders such as Defendant accountable and by imposing a severe penalty for their conduct.



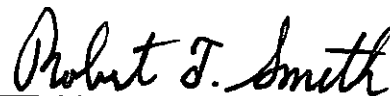
Defendant also owes restitution in this matter. The majority of the restitution was made when Defendant replaced the currency which he stole from the evidence bags. However, there are still amounts owed for the various counts in the Indictment:

- 1) The additional \$1,000 which Defendant counted out at the Rainbow Trail address for which he only turned over \$6,020 to Lt. Burchett to count, placed in an evidence bag and return to Defendant.
- 2) The profit which Defendant made on the illegal purchase of the Nissan Versa. He paid \$2,000 for the vehicle at auction and later sold it for \$5,500, realizing a profit of \$3,500, which should go for the benefit of Pike County.
- 3) The \$350 which Adelle Crews paid for the 1991 Chevrolet Silverado truck for Defendant, for which Defendant never repaid her.

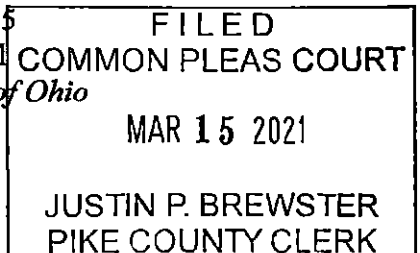
The total amount due in restitution is \$4,850. At least for the portions of the restitution which were part of a theft in office charge, restitution is mandatory.

It is also mandatory that Defendant is forever disqualified from holding any public office, public employment, or position of trust in this state.

Respectfully submitted,

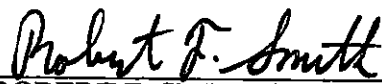


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CERTIFICATE OF SERVICE

The undersigned hereby certifies that a true copy of the foregoing was served *via* email and ordinary U.S. mail, postage prepaid, to James T. Boulger, Counsel for Charles S. Reader, 45 West Fourth Street, Chillicothe, OH 45601, this 12th day of March, 2021.



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