



CI221703BQ

132671685

Cuyahoga County Prosecutor's Office

id Report

675831

15347635 Region 1

Case No.	CCN 129-7047	CIF # 1703BQ	Report Date 10/31/2022
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Name Dunn, Alexander Phone \_\_\_\_\_  
 Address 50 Frech Avenue, Dunstable Alias \_\_\_\_\_  
 Ethnicity White Sex M Age 21  
 Height 60 Weight 118 Hair Brown Eyes Blue  
 D.O.B. 03/22/2001 SSN \_\_\_\_\_ Driver License \_\_\_\_\_  
 Birthplace \_\_\_\_\_

Orig. Agency Westlake Police Department Date of Offense 10/24/2022  
 Arresting Agency WESTLAKE POLICE DEPARTMENT Date of Arrest 10/24/2022 4:05 PM  
 Location of Offense \_\_\_\_\_  
 Incident Tracking # \_\_\_\_\_ FBI # \_\_\_\_\_ BCI # \_\_\_\_\_ SO # \_\_\_\_\_  
 Potential Charge(s) 2907.321 Pandering Obscenity Involving A Minor Level F5

Co-Defendants \_\_\_\_\_  
 Direct Indictment: No Arrested: Yes Warrant: No Holders \_\_\_\_\_

**FILED**

NOV 07 2022

Clerk of Courts  
Cuyahoga County, Ohio



Cuyahoga County Clerk of Courts

Nailah K. BO221703BQ

132785790



675831 FILED NOV 09 2022 Clerk of Courts Cuyahoga County, Ohio

**MUNICIPAL COURT BINDOVER FORM**

Scan/email with bindover documents to [bindover@cuyahogacounty.us](mailto:bindover@cuyahogacounty.us)

November 9, 2022

Defendant's Last Name Dunn First Name Alexander

Municipal Court Jurisdiction: ROCKY RIVER MUNICIPAL COURT Case Number: 22 CRA 1614

Charges included in bindover by charge, code, and degree:

Charge	Code	Degree of offense
1] Illegal Use of a Minor-Nudity	2907.323a3 ✓	F5 ✓
2]		
3]		
4]		
5]		
6]		

Credit time for days served: twelve (12) Court costs imposed: 149.00

Bond amount and type (cash/surety/property/10%): \$50,000 cash/surety CS

Date bond was set: 10/26/22 Bond agent's name:

Bond posted: NO

Are there conditions set on the Bond? YES Defendant to surrender passport TWT 1703BQ

Notice for First Appearance Docket in Common Pleas Court date given: Date to be announced by CCCP Ct  
(Please include notice with bindover documents)

Is there a TPO/CrPO on the case? NO (If YES, Please include TPO/CrPO with bindover documents)  
Has defendant signed TPO/CrPO acknowledging receipt?

Was defendant found indigent? NO (If YES, please include Indigence Affidavit with bindover documents)

Any additional information: \_\_\_\_\_

**\* PLEASE INCLUDE ALL BINDOVER DOCUMENTS WITH THIS FORM \***

Justice Center, 1<sup>st</sup> Floor • 1200 Ontario Street • Cleveland, Ohio 44115-1364 • 216.443.7950  
Ohio Relay Service 711 • Website: [coc.cuyahogacounty.us](http://coc.cuyahogacounty.us)



DEBORAH F. COMERY, CLERK OF COURT  
ROCKY RIVER MUNICIPAL COURT  
21012 Hilliard Blvd  
Rocky River, OH 44115-3398

[www.rrcourt.net](http://www.rrcourt.net)  
Phone: (440) 333-0066  
Fax: (440) 356-5613

November 9, 2022.

THE STATE OF OHIO  
Cuyahoga County,  
Westlake, City of  
VS  
Alexander K Dunn  
50 French Ave.  
Dunstable, UK LU6 1BH

EXAMENING COURT

**CHARGE**

**CASE NO. 22 CRA 1614**

CIF #

Defendant arrested on a Warrant founded on an Affidavit charging defendant with:

2907.323a3 Illegal Use of a Minor-Nudity F5

As therein set forth, said Affidavit was made before the Clerk on 10/24/2022.

On 10/24/22, Warrant was returned by Westlake Police Department with the body of the defendant, and, after examination before Judge Brian F. Hagan of the Court, it ordered and required that the said defendant furnish bail for his/her personal appearance at the present term of the Court of Common Pleas of Cuyahoga County on the first day of the term thereof, in the sum of \$50,000.00, Fifty Thousand Dollars, or in default thereof to stand committed.

I, Deborah F. Comery, Clerk of the Rocky River Municipal Court, do hereby certify that the foregoing is a true transcript of the proceedings had before this Court, in said cause, as fully as the same appears on record, and the bill of costs in said case are \$149.00 as fully appear on the record. Given under my hand and seal of this Court this 9 November, 2022.

*Eileen M. Baker*

Eileen Baker  
Deputy Clerk

**DEFENDANT IS GIVEN CREDIT OF 12 DAYS FOR JAIL TIME SERVED AWAITING APPEARANCE.**

In The Rocky River Municipal Court, Cuyahoga County, Ohio  
21012 Hilliard Blvd., Rocky River, Ohio 44116 - Voice 440-333-0066 - Facsimile 440-356-5613

Scanned

State of Ohio Westlake

Case No: 22 CRA 1614  
Companion Case No: \_\_\_\_\_

vs.  
Alexander Duarn  
Defendant:

JOURNAL ENTRY  
Felony Initial Appearance of Defendant  
Date: 11/8/22

OFFENSE(S):  
#1 involving & pandering obscenity minor #4 2907.32 3A 3 FS  
#2 \_\_\_\_\_ #5 \_\_\_\_\_  
#3 \_\_\_\_\_ #6 \_\_\_\_\_

Warrant / Capias returned executed.  Defendant held for court. Date of arrest 10/24/22  
 Warrant / Capias ordered recalled.

Upon review of the complaint(s) / affidavit(s) against the defendant, detained without a warrant upon the charges listed above, the court finds probable cause:  is shown, detention warranted;  
 not shown, detention not warranted, defendant to be released from custody.

Defendant in court:  by video  pro se  with counsel  with court appointed counsel  
 nature of the charge, possible penalties and all rights explained in open court and on the record  
 ORC §2943.031 advisement given  
 defendant request continuance to reappear with counsel;  defendant to retain counsel  
 defendant requests court appointed counsel; defendant:  
 is found to be indigent and the court appoints \_\_\_\_\_  
 is found not to be indigent and is instructed to obtain counsel.  
 DEFENDANT KNOWINGLY WAIVES RIGHT TO COUNSEL IN WRITING AND ON THE RECORD.

**FILED**  
Rocky River Municipal Court  
NOV 08 2022  
DEBORAH F. COMERY  
CLERK OF COURT

TIME WAIVER SIGNED.  
 initial appearance is continued to \_\_\_\_\_  
Date Time CR  
 for reappearance with counsel  for discovery

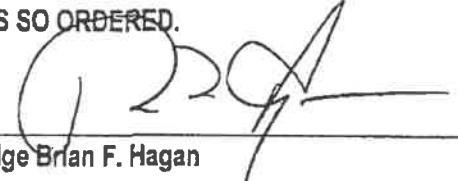
defendant demands preliminary hearing. Hearing set for \_\_\_\_\_  
Date Time CR

PRELIMINARY HEARING WAIVED IN OPEN COURT, ON RECORD AND IN WRITING.

Defendant bound over to Cuyahoga County Grand Jury; Credit 12 days served.  
Defendant has been charged with a felony. Defendant is hereby ordered to appear at 9:45 AM on \_\_\_\_\_ (± business days from today) in the Arraignment Room of the Cuyahoga County Common Pleas Court for a First Appearance. This hearing will be held on the 12<sup>th</sup> floor of the Justice Center, 1200 Ontario Street, Cleveland.

DV/PO/CRPO issued  after hearing  upon consent of defendant (see separate Order)

BOND:  
 continued same bond.  new bond: \$ \_\_\_\_\_ (10%) \$ 50,000 (cash/surety)  Own Recognizance  
 at request of PD  no objection by PD  
conditions of bond:  abstain from alcohol / drugs of abuse  comply with TPO  
 no contact with: \_\_\_\_\_  
 defendant referred to Recovery Resources for evaluation  
 other: \_\_\_\_\_

IT IS SO ORDERED.  
  
Judge Brian F. Hagan

**JOURNALIZED**  
Rocky River Municipal Court  
NOV 08 2022  
DEBORAH F. COMERY  
CLERK OF COURT

cc: Defendant / Defendant's Attorney / Prosecutor

In The Rocky River Municipal Court, Cuyahoga County, Ohio  
21012 Hilliard Blvd., Rocky River, Ohio 44116 - Voice 440-333-0066 - Facsimile 440-356-5613

State of Ohio /

Westlake

Case No: 22 CRA 1614  
Companion Case No: \_\_\_\_\_

Scanned

vs.  
Alexander K Dunn

JOURNAL ENTRY  
Felony Initial Appearance of Defendant

Date: 10-26-22

Defendant

OFFENSE(S):

Deception to Obtain  
#12907323 Matter Harmful to F-5  
#2 (A)(3)  
#3

#4 \_\_\_\_\_  
#5 \_\_\_\_\_  
#6 \_\_\_\_\_

Warrant / Capias returned executed.  Defendant held for court. Date of arrest 10-24-22  
 Warrant / Capias ordered recalled.

Upon review of the complaint(s) / affidavit(s) against the defendant, detained without a warrant upon the charges listed above, the court finds probable cause:

is shown, detention warranted;  
 not shown, detention not warranted, defendant to be released from custody.

Defendant in court:  by video  pro se  with counsel  with court appointed counsel

nature of the charge, possible penalties and all rights explained in open court and on the record

ORC §2943.031 advisement given

defendant request continuance to reappear with counsel;  defendant to retain counsel

defendant requests court appointed counsel; defendant:

is found to be indigent and the court appoints JOHN MIZANIN 4-823-9924

is found not to be indigent and is instructed to obtain counsel.

DEFENDANT KNOWINGLY WAIVES RIGHT TO COUNSEL IN WRITING AND ON THE RECORD.

TIME WAIVER SIGNED.

initial appearance is continued to 11-8-22 8:15 #3

for reappearance with counsel  for discovery

defendant demands preliminary hearing. Hearing set for \_\_\_\_\_  
Date Time CR

PRELIMINARY HEARING WAIVED IN OPEN COURT, ON RECORD AND IN WRITING.

Defendant bound over to Cuyahoga County Grand Jury; Credit \_\_\_\_\_ days served.

Defendant has been charged with a felony. Defendant is hereby ordered to appear at 9:45 AM on \_\_\_\_\_ (± business days from today) in the Arraignment Room of the Cuyahoga County Common Pleas Court for a First Appearance. This hearing will be held on the 12<sup>th</sup> floor of the Justice Center, 1200 Ontario Street, Cleveland.

DV/TPO/CRPO issued  after hearing  upon consent of defendant (see separate Order)

BOND:

continued same bond.  new bond: \$ \_\_\_\_\_ (10%) \$ 50,000 (cash/surety)  Own Recognizance

at request of PD  no objection by PD

conditions of bond:  abstain from alcohol / drugs of abuse  comply with TPO

no contact with: \_\_\_\_\_

defendant referred to Recovery Resources for evaluation

other: RAIPOINT SUMMER

IT IS SO ORDERED.

[Signature]  
Judge Brian F. Hagan

cc: Defendant / Defendant's Attorney / Prosecutor

JOURNALIZED  
Rocky River Municipal Court

OCT 26 2022

DEBORAH F. COMERY  
CLERK OF COURT

FILED  
Rocky River Municipal Court

OCT 26 2022

DEBORAH F. COMERY  
CLERK OF COURT

THE ROCKY RIVER MUNICIPAL COURT

COMPLAINT

Scanned

FILED  
Rocky River Municipal Court  
OCT 26 2022  
DEBORAH F. COMERY  
CLERK OF COURT

State of Ohio (City of Westlake)

VERSUS

ALEXANDER K. DUNN (Male) (03/22/2001)  
50 French Ave  
Dunstable, United Kingdom

2907.323A3- Illegal use of minor in nudity oriented material F5

THE STATE OF OHIO  
CUYAHOGA COUNTY, ss)  
CITY OF WESTLAKE, OHIO

Before me, the below named Deputy Clerk of the Rocky River Municipal Court or Authorized Peace Officer, pursuant to O.R.C. 2935.081, personally appeared Detective R. Boots #D13, who being duly sworn according to law, deposes and says, that on or about 10/24/2022, in the City of Westlake, in said County and State, ALEXANDER K. DUNN, did, Possess or view material or a performance that shows a minor or impaired person who is not the person's child or ward in a state of nudity.

To Wit: ALEXANDER K. DUNN admitted to receiving nude photos from [REDACTED] (16 year old) in the past on his phone. [REDACTED] confirmed that she sent him nude photos in the recent past from her phone.

This being in violation of Revised Code 2907.323A3, a Felony of the 5th degree.

This information was discovered through personal knowledge and/or police investigation.

Do you solemnly swear unto God or affirm that the statements made in this complaint are true under the penalty of the law of perjury, and that you have signed this document under your own free will and deed?

(Affiant) Det R. Boots #D13

Sworn to and subscribed before me, this 25th day of October, 2022.

Det. Sgt. Lori #D11  
Deputy Clerk of the Municipal Court or  
Authorized Peace Officer Pursuant to ORC 2935.081

Printed name of Deputy Clerk or  
Authorized Peace Officer

**Cuyahoga County Court of Common Pleas  
Criminal Court Division**

State of Ohio,  Plaintiff		A True Bill Indictment For
Alexander Dunn, ✓  Defendant	vs.	<b>Pandering Sexually-Oriented Matter Involving a Minor - F4</b> §2907.322(A)(5)  18 Additional Count(s)
<b>Dates of Offense (on or about)</b> 04/21/2021 to 10/24/2022	<b>The Term Of</b> September of 2022	<b>Case Number</b> 675831-22-CR

The State of Ohio, }  
Cuyahoga County } ss.

CR22675831-A 132790133  


<b>Count One</b>	<b>Pandering Sexually-Oriented Matter Involving a Minor - F4</b> §2907.322(A)(5)
<b>Defendants</b>	Alexander Dunn
<b>Date of Offense</b>	On or about March 31, 2022

*The Jurors of the Grand Jury of the State of Ohio, within and for the body of the County aforesaid, on their oaths, IN THE NAME AND BY THE AUTHORITY OF THE STATE OF OHIO, do find and present, that the above named Defendant(s), on or about the date of the offense set forth above, in the County of Cuyahoga, unlawfully*

did, with knowledge of the character of the material or performance involved, knowingly solicit, receive, purchase, exchange, possess, or control material that shows a minor person participating or engaging in sexual activity, masturbation, or bestiality.


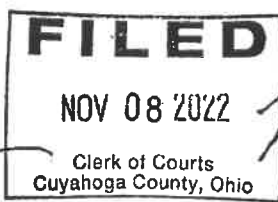

*The offense is contrary to the form of the statute in such case made and provided, and against the peace and dignity of the State of Ohio.*

<b>Count Two</b>	<b>Pandering Sexually-Oriented Matter Involving a Minor - F4</b> §2907.322(A)(5)
<b>Defendants</b>	Alexander Dunn
<b>Date of Offense</b>	On or about October 21, 2021

*The grand jurors, on their oaths, further find that the Defendant(s) unlawfully*

did, with knowledge of the character of the material or performance involved, knowingly solicit, receive, purchase, exchange, possess, or control material that shows a minor person participating or engaging in sexual activity, masturbation, or bestiality.

*The offense is contrary to the form of the statute in such case made and provided, and against the peace and dignity of the State of Ohio.*

Foreperson of the Grand Jury

Prosecuting Attorney

**Count Three**      **Pandering Sexually-Oriented Matter Involving a Minor - F4**  
                          §2907.322(A)(5)

**Defendants**      Alexander Dunn

**Date of Offense**    On or about April 23, 2021

*The grand jurors, on their oaths, further find that the Defendant(s) unlawfully*

did, with knowledge of the character of the material or performance involved, knowingly solicit, receive, purchase, exchange, possess, or control material that shows a minor person participating or engaging in sexual activity, masturbation, or bestiality.

*The offense is contrary to the form of the statute in such case made and provided, and against the peace and dignity of the State of Ohio.*

**Count Four**      **Pandering Sexually-Oriented Matter Involving a Minor - F4**  
                          §2907.322(A)(5)

**Defendants**      Alexander Dunn

**Date of Offense**    On or about April 23, 2021

*The grand jurors, on their oaths, further find that the Defendant(s) unlawfully*

did, with knowledge of the character of the material or performance involved, knowingly solicit, receive, purchase, exchange, possess, or control material that shows a minor person participating or engaging in sexual activity, masturbation, or bestiality.

*The offense is contrary to the form of the statute in such case made and provided, and against the peace and dignity of the State of Ohio.*

**Count Five**      **Illegal Use Of Minor In Nudity-Oriented Material Or Performance - F5**  
                          §2907.323(A)(3)

**Defendants**      Alexander Dunn

**Date of Offense**    On or about September 10, 2022

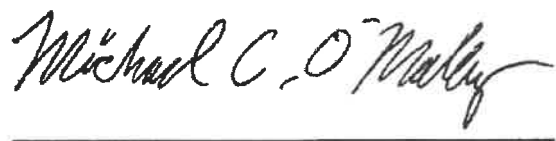
*The grand jurors, on their oaths, further find that the Defendant(s) unlawfully*

did recklessly possess or view material or performance that shows a minor who was not Alexander Dunn's child or ward in a state of nudity in violation of Section 2907.323 of the Revised Code.

*The offense is contrary to the form of the statute in such case made and provided, and against the peace and dignity of the State of Ohio.*



Foreperson of the Grand Jury



Prosecuting Attorney

**Count Six**      **Illegal Use Of Minor In Nudity-Oriented Material Or Performance - F5**  
§2907.323(A)(3)

**Defendants**      Alexander Dunn

**Date of Offense**    On or about March 31, 2022

*The grand jurors, on their oaths, further find that the Defendant(s) unlawfully*

did recklessly possess or view material or performance that shows a minor who was not Alexander Dunn's child or ward in a state of nudity in violation of Section 2907.323 of the Revised Code.

*The offense is contrary to the form of the statute in such case made and provided, and against the peace and dignity of the State of Ohio.*

**Count Seven**      **Illegal Use Of Minor In Nudity-Oriented Material Or Performance - F5**  
§2907.323(A)(3)

**Defendants**      Alexander Dunn

**Date of Offense**    On or about March 25, 2022

*The grand jurors, on their oaths, further find that the Defendant(s) unlawfully*

did recklessly possess or view material or performance that shows a minor who was not Alexander Dunn's child or ward in a state of nudity in violation of Section 2907.323 of the Revised Code.

*The offense is contrary to the form of the statute in such case made and provided, and against the peace and dignity of the State of Ohio.*

**Count Eight**      **Illegal Use Of Minor In Nudity-Oriented Material Or Performance - F5**  
§2907.323(A)(3)

**Defendants**      Alexander Dunn

**Date of Offense**    On or about October 16, 2021

*The grand jurors, on their oaths, further find that the Defendant(s) unlawfully*

did recklessly possess or view material or performance that shows a minor who was not Alexander Dunn's child or ward in a state of nudity in violation of Section 2907.323 of the Revised Code.

*The offense is contrary to the form of the statute in such case made and provided, and against the peace and dignity of the State of Ohio.*



Foreperson of the Grand Jury



Prosecuting Attorney

**Count Nine**      **Illegal Use Of Minor In Nudity-Oriented Material Or Performance - F5**  
§2907.323(A)(3)

**Defendants**      Alexander Dunn

**Date of Offense**    On or about September 23, 2021

*The grand jurors, on their oaths, further find that the Defendant(s) unlawfully*

did recklessly possess or view material or performance that shows a minor who was not Alexander Dunn's child or ward in a state of nudity in violation of Section 2907.323 of the Revised Code.

*The offense is contrary to the form of the statute in such case made and provided, and against the peace and dignity of the State of Ohio.*

**Count Ten**      **Illegal Use Of Minor In Nudity-Oriented Material Or Performance - F5**  
§2907.323(A)(3)

**Defendants**      Alexander Dunn

**Date of Offense**    On or about September 23, 2021

*The grand jurors, on their oaths, further find that the Defendant(s) unlawfully*

did recklessly possess or view material or performance that shows a minor who was not Alexander Dunn's child or ward in a state of nudity in violation of Section 2907.323 of the Revised Code.

*The offense is contrary to the form of the statute in such case made and provided, and against the peace and dignity of the State of Ohio.*

**Count Eleven**      **Illegal Use Of Minor In Nudity-Oriented Material Or Performance - F5**  
§2907.323(A)(3)

**Defendants**      Alexander Dunn

**Date of Offense**    On or about June 4, 2021

*The grand jurors, on their oaths, further find that the Defendant(s) unlawfully*

did recklessly possess or view material or performance that shows a minor who was not Alexander Dunn's child or ward in a state of nudity in violation of Section 2907.323 of the Revised Code.

*The offense is contrary to the form of the statute in such case made and provided, and against the peace and dignity of the State of Ohio.*

Foreperson of the Grand Jury

Prosecuting Attorney

**Count Twelve**    **Illegal Use Of Minor In Nudity-Oriented Material Or Performance - F5**  
§2907.323(A)(3)

**Defendants**        Alexander Dunn

**Date of Offense**    On or about June 2, 2021

*The grand jurors, on their oaths, further find that the Defendant(s) unlawfully*

did recklessly possess or view material or performance that shows a minor who was not Alexander Dunn's child or ward in a state of nudity in violation of Section 2907.323 of the Revised Code.

*The offense is contrary to the form of the statute in such case made and provided, and against the peace and dignity of the State of Ohio.*

**Count Thirteen**    **Illegal Use Of Minor In Nudity-Oriented Material Or Performance - F5**  
§2907.323(A)(3)

**Defendants**        Alexander Dunn

**Date of Offense**    On or about May 16, 2021

*The grand jurors, on their oaths, further find that the Defendant(s) unlawfully*

did recklessly possess or view material or performance that shows a minor who was not Alexander Dunn's child or ward in a state of nudity in violation of Section 2907.323 of the Revised Code.

*The offense is contrary to the form of the statute in such case made and provided, and against the peace and dignity of the State of Ohio.*

**Count Fourteen**    **Illegal Use Of Minor In Nudity-Oriented Material Or Performance - F5**  
§2907.323(A)(3)

**Defendants**        Alexander Dunn

**Date of Offense**    On or about April 30, 2021

*The grand jurors, on their oaths, further find that the Defendant(s) unlawfully*

did recklessly possess or view material or performance that shows a minor who was not Alexander Dunn's child or ward in a state of nudity in violation of Section 2907.323 of the Revised Code.

*The offense is contrary to the form of the statute in such case made and provided, and against the peace and dignity of the State of Ohio.*



Foreperson of the Grand Jury



Prosecuting Attorney

**Count Fifteen**    **Illegal Use Of Minor In Nudity-Oriented Material Or Performance - F5**  
§2907.323(A)(3)

**Defendants**        Alexander Dunn

**Date of Offense**    On or about April 23, 2021

*The grand jurors, on their oaths, further find that the Defendant(s) unlawfully*

did recklessly possess or view material or performance that shows a minor who was not Alexander Dunn's child or ward in a state of nudity in violation of Section 2907.323 of the Revised Code.

*The offense is contrary to the form of the statute in such case made and provided, and against the peace and dignity of the State of Ohio.*

**Count Sixteen**    **Illegal Use Of Minor In Nudity-Oriented Material Or Performance - F5**  
§2907.323(A)(3)

**Defendants**        Alexander Dunn

**Date of Offense**    On or about April 21, 2021

*The grand jurors, on their oaths, further find that the Defendant(s) unlawfully*

did recklessly possess or view material or performance that shows a minor who was not Alexander Dunn's child or ward in a state of nudity in violation of Section 2907.323 of the Revised Code.

*The offense is contrary to the form of the statute in such case made and provided, and against the peace and dignity of the State of Ohio.*

**Count Seventeen** **Illegal Use Of Minor In Nudity-Oriented Material Or Performance - F5**  
§2907.323(A)(3)

**Defendants**        Alexander Dunn

**Date of Offense**    On or about April 21, 2021

*The grand jurors, on their oaths, further find that the Defendant(s) unlawfully*

did recklessly possess or view material or performance that shows a minor who was not Alexander Dunn's child or ward in a state of nudity in violation of Section 2907.323 of the Revised Code.

*The offense is contrary to the form of the statute in such case made and provided, and against the peace and dignity of the State of Ohio.*



Foreperson of the Grand Jury



Prosecuting Attorney

**Count Eighteen** **Illegal Use Of Minor In Nudity-Oriented Material Or Performance - F5**  
§2907.323(A)(3)

**Defendants** Alexander Dunn

**Date of Offense** On or about April 21, 2021

*The grand jurors, on their oaths, further find that the Defendant(s) unlawfully*

did recklessly possess or view material or performance that shows a minor who was not Alexander Dunn's child or ward in a state of nudity in violation of Section 2907.323 of the Revised Code.

*The offense is contrary to the form of the statute in such case made and provided, and against the peace and dignity of the State of Ohio.*

**Count Nineteen** **Possessing Criminal Tools - F5**  
§2923.24(A)

**Defendants** Alexander Dunn

**Date of Offense** On or about April 21, 2021 to October 24, 2022

*The grand jurors, on their oaths, further find that the Defendant(s) unlawfully*

did possess or have under the person's control any substance, device, instrument, or article, to wit: Grey, MacBook Pro laptop, Model A2442, Serial Number - K4D5207D0J and/or b. Blue, Motorola Moto G Pure phone, IMEI – 357902510484260 and/or Black, Yubico Bluetooth authenticator, Serial Number – 19668846 and/or Gold Apple iPhone XS, IMEI-357212097520878 with purpose to use it criminally.

FURTHERMORE, the Grey, MacBook Pro laptop, Model A2442, Serial Number - K4D5207D0J and/or b. Blue, Motorola Moto G Pure phone, IMEI – 357902510484260 and/or Black, Yubico Bluetooth authenticator, Serial Number – 19668846 and/or Gold Apple iPhone XS, IMEI-357212097520878 involved in the offense were intended for use in the commission of a felony, to wit: R.C. 2907.322(A)(5) and/or R.C. 2907.323(A)(3).

**Forfeiture of Property - §2941.1417(A)**

*The Grand Jurors further find and specify that*

the defendant(s) is/are the owner(s) and/or possessor(s) of Grey, MacBook Pro laptop, Model A2442, Serial Number - K4D5207D0J and/or b. Blue, Motorola Moto G Pure phone, IMEI – 357902510484260 and/or Black, Yubico Bluetooth authenticator, Serial Number – 19668846 and/or Gold Apple iPhone XS, IMEI-357212097520878 which is contraband and/or property derived from or through the commission or facilitation of an offense, and/or is an instrumentality the offender(s) used or intended to use in the commission or facilitation of a felony offense.

*The offense is contrary to the form of the statute in such case made and provided, and against the peace and dignity of the State of Ohio.*

Foreperson of the Grand Jury

Prosecuting Attorney





133078152

**IN THE COURT OF COMMON PLEAS  
CUYAHOGA COUNTY, OHIO**

**THE STATE OF OHIO**  
Plaintiff

**ALEXANDER DUNN**  
Defendant

Case No: CR-22-675831-A

Judge: MICHAEL P SHAUGHNESSY

INDICT: 2907.322 PANDERING SEXUALLY ORIENTED  
MATTER INVOLVING A MINOR  
2907.322 PANDERING SEXUALLY ORIENTED  
MATTER INVOLVING A MINOR  
2907.322 PANDERING SEXUALLY ORIENTED  
MATTER INVOLVING A MINOR  
ADDITIONAL COUNTS...

**JOURNAL ENTRY**

DEFENDANT DECLARED INDIGENT.  
ANY COSTS IMPOSED PURSUANT TO ORC 2743.70 AND ORC 2949.091 ARE HEREBY WAIVED.  
COURT ASSIGNED PUBLIC DEFENDER AS COUNSEL.  
READING OF INDICTMENT WAIVED.  
TWENTY-FOUR HOUR SERVICE WAIVED.  
DEFENDANT PLEAD NOT GUILTY TO INDICTMENT.  
ORIG BOND CONT AT 50,000.00 DOLLARS. BOND TYPE: CASH/SURETY/PROP..  
BOND CONDITIONS: DEF TO SURRENDER CURRENT PASSPORT TO CLERK OF COURTS  
JUDGE GALLAGHER, KELLY ANN (369) ASSIGNED (RANDOM ).  
FIRST PRETRIAL SET FOR 11/21/2022 AT 09:00 AM IN COURT ROOM JC21C JUDGE KELLY ANN. GALLAGHER.

Judge Signature

11/14/2022

11/14/2022

RECEIVED FOR FILING  
11/14/2022 09:41:16  
NAILAH K. BYRD, CLERK



**IN THE COURT OF COMMON PLEAS  
CUYAHOGA COUNTY, OHIO**

THE STATE OF OHIO  
Plaintiff

ALEXANDER DUNN  
Defendant

Case No: CR-22-675831-A

Judge: KELLY ANN GALLAGHER

INDICT: 2907.322 PANDERING SEXUALLY ORIENTED  
MATTER INVOLVING A MINOR  
2907.322 PANDERING SEXUALLY ORIENTED  
MATTER INVOLVING A MINOR  
2907.322 PANDERING SEXUALLY ORIENTED  
MATTER INVOLVING A MINOR  
ADDITIONAL COUNTS...

**JOURNAL ENTRY**

PRETRIAL HELD 11/21/2022.  
PRETRIAL CONTINUED TO 12/07/2022 AT 09:00 AM  
AT THE REQUEST OF DEFENDANT.  
REASON FOR CONTINUANCE: ONGOING DISCUSSIONS BETWEEN THE STATE AND DEFENSE.

11/21/2022  
CPNER 11/21/2022 11:10:37

Judge Signature

11/21/2022

HEAR  
11/21/2022

RECEIVED FOR FILING  
11/21/2022 15:10:37  
NAILAH K. BYRD, CLERK



134648640

**IN THE COURT OF COMMON PLEAS  
CUYAHOGA COUNTY, OHIO**

THE STATE OF OHIO  
Plaintiff

ALEXANDER DUNN  
Defendant

Case No: CR-22-675831-A

Judge: KELLY ANN GALLAGHER

INDICT: 2907.322 PANDERING SEXUALLY ORIENTED  
MATTER INVOLVING A MINOR  
2907.322 PANDERING SEXUALLY ORIENTED  
MATTER INVOLVING A MINOR  
2907.322 PANDERING SEXUALLY ORIENTED  
MATTER INVOLVING A MINOR  
ADDITIONAL COUNTS...

**JOURNAL ENTRY**

PRETRIAL HELD 12/07/2022.  
PRETRIAL CONTINUED TO 12/15/2022 AT 09:00 AM  
AT THE REQUEST OF DEFENDANT.  
REASON FOR CONTINUANCE: ONGOING DISCUSSIONS BETWEEN THE STATE AND DEFENSE.

12/07/2022  
CPNER 12/07/2022 11:55:37

*Kelly A. Gallagher*

Judge Signature

12/12/2022

HEAR  
12/07/2022

RECEIVED FOR FILING  
12/12/2022 10:13:39  
NAILAH K. BYRD, CLERK



135205898

**IN THE COURT OF COMMON PLEAS  
CUYAHOGA COUNTY, OHIO**

THE STATE OF OHIO  
Plaintiff

ALEXANDER DUNN  
Defendant

Case No: CR-22-675831-A

Judge: KELLY ANN GALLAGHER

INDICT: 2907.322 PANDERING SEXUALLY ORIENTED  
MATTER INVOLVING A MINOR  
2907.322 PANDERING SEXUALLY ORIENTED  
MATTER INVOLVING A MINOR  
2907.322 PANDERING SEXUALLY ORIENTED  
MATTER INVOLVING A MINOR  
ADDITIONAL COUNTS...

**JOURNAL ENTRY**

DEFENDANT IN COURT. COUNSEL MAUREEN DIXON PRESENT.  
PROSECUTOR(S) FALLON RADIGAN PRESENT.  
BOND HEARING HELD 12/05/2022.  
BOND SET AT \$5,000.00. BOND TYPE: PERSONAL BOND TERMS: GPS EXCLUSION / INCLUSION MONITORING, NO  
CONTACT WITH VICTIM(S) .  
DEFENDANT ORDERED RELEASED.  
CONTINUED NO CONTACT WITH VICTIM. DEFENDANT MUST PROVIDE LOCATION OF WHERE HIS IS STAYING TO  
STATE OF OHIO. DEFENDANT SHALL NOT BE RELEASED UNIL 12-16-2022 MORNING.

12/05/2022  
CPKXG 12/15/2022 12:12:11

Judge Signature

12/15/2022

HEAR  
12/05/2022

RECEIVED FOR FILING  
12/15/2022 12:20:55  
NAILAH K. BYRD, CLERK



135209031

**IN THE COURT OF COMMON PLEAS  
CUYAHOGA COUNTY, OHIO**

THE STATE OF OHIO  
Plaintiff

ALEXANDER DUNN  
Defendant

Case No: CR-22-675831-A

Judge: KELLY ANN GALLAGHER

INDICT: 2907.322 PANDERING SEXUALLY ORIENTED  
MATTER INVOLVING A MINOR  
2907.322 PANDERING SEXUALLY ORIENTED  
MATTER INVOLVING A MINOR  
2907.322 PANDERING SEXUALLY ORIENTED  
MATTER INVOLVING A MINOR  
ADDITIONAL COUNTS...

**JOURNAL ENTRY**

PRETRIAL HELD 12/15/2022.  
PRETRIAL CONTINUED TO 12/20/2022 AT 02:00 PM  
AT THE REQUEST OF DEFENDANT.  
REASON FOR CONTINUANCE: ONGOING DISCUSSIONS BETWEEN THE STATE AND DEFENSE.

12/15/2022  
CPNER 12/15/2022 12:46:03

Judge Signature

12/16/2022

HEAR  
12/15/2022

RECEIVED FOR FILING  
12/16/2022 12:32:38  
NAILAH K. BYRD, CLERK



135264271

**IN THE COURT OF COMMON PLEAS  
CUYAHOGA COUNTY, OHIO**

THE STATE OF OHIO  
Plaintiff

ALEXANDER DUNN  
Defendant

Case No: CR-22-675831-A

Judge: KELLY ANN GALLAGHER

INDICT: 2907.322 PANDERING SEXUALLY ORIENTED  
MATTER INVOLVING A MINOR  
2907.322 PANDERING SEXUALLY ORIENTED  
MATTER INVOLVING A MINOR  
2907.322 PANDERING SEXUALLY ORIENTED  
MATTER INVOLVING A MINOR  
ADDITIONAL COUNTS...

**JOURNAL ENTRY**

NUNC PRO TUNC ENTRY AS OF AND FOR 12/15/2022.

THIS ENTRY CORRECTS THE JOURNAL ENTRY DATED 12/05/2022. THIS ENTRY WAS DATED IN ERROR AND SHALL REFLECT THE DATE 12/15/2022. THE CORRECTED ENTRY TO FOLLOW.

DEFENDANT IN COURT. COUNSEL MAUREEN DIXON PRESENT.

PROSECUTOR(S) FALLON RADIGAN PRESENT.

BOND HEARING HELD 12/15/2022.

BOND SET AT \$5,000.00. BOND TYPE: PERSONAL BOND TERMS: GPS EXCLUSION / INCLUSION MONITORING, NO CONTACT WITH VICTIM(S).

DEFENDANT ORDERED RELEASED.

CONTINUED NO CONTACT WITH VICTIM. DEFENDANT MUST PROVIDE LOCATION OF WHERE HIS IS STAYING TO STATE OF OHIO. DEFENDANT SHALL NOT BE RELEASED UNIL 12-16-2022 MORNING.

12/16/2022

CPNER 12/16/2022 09:22:54

Judge Signature

12/16/2022

HEAR  
12/16/2022

RECEIVED FOR FILING  
12/16/2022 12:33:04  
NAILAH K. BYRD, CLERK



**IN THE COURT OF COMMON PLEAS  
CUYAHOGA COUNTY, OHIO**

THE STATE OF OHIO  
Plaintiff

ALEXANDER DUNN  
Defendant

Case No: CR-22-675831-A

Judge: KELLY ANN GALLAGHER

INDICT: 2907.322 PANDERING SEXUALLY ORIENTED  
MATTER INVOLVING A MINOR  
2907.322 PANDERING SEXUALLY ORIENTED  
MATTER INVOLVING A MINOR  
2907.322 PANDERING SEXUALLY ORIENTED  
MATTER INVOLVING A MINOR  
ADDITIONAL COUNTS...

**JOURNAL ENTRY**

DEFENDANT IN COURT WITH COUNSEL MAUREEN DIXON. PROSECUTING ATTORNEY(S) FALLON RADIGAN PRESENT.  
COURT REPORTER PRESENT.

DEFENDANT FULLY ADVISED IN OPEN COURT OF HIS/HER CONSTITUTIONAL RIGHTS AND PENALTIES. ON RECOMMENDATION OF PROSECUTOR COUNT(S) 1 IS/ARE AMENDED TO INTERFERENCE OF CUSTODY 2919.23 A(1) M1.

DEFENDANT RETRACTS FORMER PLEA OF NOT GUILTY AND ENTERS A PLEA OF GUILTY TO INTERFERENCE OF CUSTODY 2919.23 A(1) M1 AS AMENDED IN COUNT(S) 1 OF THE INDICTMENT.

DEFENDANT RETRACTS FORMER PLEA OF NOT GUILTY AND ENTERS A PLEA OF GUILTY TO POSSESSING CRIMINAL TOOLS 2923.24 A M1 WITH FORFEITURE SPECIFICATION(S) (2941.1417) AS AMENDED IN COUNT(S) 19 OF THE INDICTMENT.  
REMAINING COUNTS ARE NOLLED.

COURT ACCEPTS DEFENDANT'S GUILTY PLEA.  
DEFENDANT TO FORFEIT TO WESTLAKE POLICE DEPARTMENT: CELL PHONE, GREY, MACBOOK PRO LAPTOP, MODEL A2442, SERIAL NO. K4D5207D0J, BLUE, MOTOROLA MOTO G PURE PHONE, IMEI 357902510484260, BLACK, YUBICO BLUETOOTH AUTHENTICATOR, SERIAL NO. 19668846, AND GOLD APPLE IPHONE XS, IMEI 357212097520878  
DEFENDANT ADDRESSES THE COURT, PROSECUTOR FALLON RADIGAN ADDRESSES THE COURT.

THE COURT CONSIDERED ALL REQUIRED FACTORS OF THE LAW.  
DEFENDANT IS SENTENCED TO PROBATION UNTIL HE BOARDS THE PLANE TO THE UK. DEFENDANT SHALL REMAIN ON AN GPS UNTIL HE REACHES THE AIRPORT, AT WHICH TIME THE SHERIFF'S DEPARTMENT SHALL REMOVE GPS UNIT. IN THE EVENT THAT THE SHERIFF'S DEPARTMENT IS NOT AVAILABLE TO REMOVE GPS UNIT, THE CLEVELAND PD HAS THE AUTHORITY TO CUT THE GPS UNIT AND RETURN IT TO THE CUYAHOGA COUNTY SHERIFF'S OFFICE. NO CONTACT ORDER WITH VICTIM REMAINS IN PLACE. WESTLAKE POLICE DEPARTMENT TO RELEASE PASSPORT TO THE DEFENDANT.  
NO CONTACT WITH VICTIM(S)  
THE COURT HEREBY ENTERS JUDGMENT AGAINST THE DEFENDANT IN AN AMOUNT EQUAL TO THE COSTS OF THIS PROSECUTION.  
ALL MOTIONS NOT SPECIFICALLY RULED ON PRIOR TO THE FILING OF THIS JUDGMENT ENTRY ARE DENIED AS MOOT.

SENT  
12/02/2022

RECEIVED FOR FILING  
12/22/2022 12:20:12  
NAILAH K. BYRD, CLERK



12/02/2022  
CPKXG 12/22/2022 12:05:31

*Kelly A. Gallagher*

Judge Signature

12/22/2022

SENT  
12/02/2022

RECEIVED FOR FILING  
12/22/2022 12:20:12  
NAILAH K. BYRD, CLERK



**NAILAH K. BYRD**  
**CUYAHOGA COUNTY CLERK OF COURTS**  
1200 Ontario Street  
Cleveland, Ohio 44113

**Court of Common Pleas**

**STATE'S DEMAND FOR DISCOVERY, FILED**  
**November 18, 2022 13:23**

By: FALLON RADIGAN 0085095

Confirmation Nbr. 2706503

THE STATE OF OHIO

CR 22 675831-A

vs.

**Judge: KELLY ANN GALLAGHER**

ALEXANDER DUNN

**Pages Filed: 2**

**Cuyahoga County Court of Common Pleas  
Criminal Court Division**

State of Ohio,	)	CASE NO. 675831-22-CR
	)	
Plaintiff	)	JUDGE Kelly Gallagher
	)	
vs.	)	<b><u>DEMAND FOR DISCOVERY BY THE</u></b>
	)	<b><u>STATE OF OHIO CRIMINAL RULE</u></b>
Alexander Dunn,	)	<b><u>16</u></b>
	)	
Defendant	)	
	)	

Now comes the State of Ohio by and through Michael C. O'Malley, the Prosecuting Attorney, and in response to the Defendant's written demand for discovery, pursuant to Criminal Rule 16 divisions (H) and (I), hereby makes written demand of Alexander Dunn, the Defendant, for discovery.

The Defendant shall provide copies or photographs, or permit the Prosecuting Attorney to copy or photograph, the following items related to the particular case indictment, information or complaint, and which are material to the innocence or alibi of the Defendant, or are intended for use by the defense as evidence at trial, or were obtained from or belong to the victim, within the possession of, or reasonably available to the Defendant, except as provided in division (J) of this rule:

1. All laboratory or hospital reports, books, papers, documents, photographs, tangible objects, building or places;
2. Results of physical or mental examinations, experiments or scientific tests;
3. Any evidence that tends to negate the guilt of the Defendant, or is material to punishment, or tends to support an alibi. However, nothing in this rule shall be construed to require the Defendant to disclose information that would tend to incriminate that defendant;
4. All investigative reports, except as provided in division (J) of this rule;
5. Any written or recorded statement by a witness in the Defendant's case-in-chief, or any witness that it reasonably anticipates calling as a witness in surrebuttal;
6. All names and addresses of witnesses the defense intends to call in its case-in-chief, or reasonably anticipates calling in rebuttal or surrebuttal.

Respectfully submitted,  
Michael C. O'Malley #0059592  
Cuyahoga County Prosecutor



11/18/2022

BY: Fallon Radigan #0085095  
Assistant Prosecuting Attorney  
The Justice Center - 9th Floor  
1200 Ontario Street  
Cleveland, OH 44113  
(216) 443-7846

**SERVICE**

A copy of the foregoing Demand for Discovery pursuant to Criminal Rule 16 has been filed and served electronically on November 18, 2022 upon: Maureen Dixon, Attorney for Alexander Dunn, at: DEFENSE.CCPOPORTAL.US

*(Select the option below to indicate service by U.S. mail)*

\_\_\_\_\_ If selected, a copy of the foregoing Demand for Discovery by the State of Ohio pursuant to Criminal Rule 16 has been filed and mailed this \_\_\_\_\_ day of \_\_\_\_\_, 2022, to:

\_\_\_\_\_  
Attorney for Alexander Dunn, at:

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_



11/18/2022

BY: Fallon Radigan #0085095  
Assistant Prosecuting Attorney



**NAILAH K. BYRD**  
**CUYAHOGA COUNTY CLERK OF COURTS**  
1200 Ontario Street  
Cleveland, Ohio 44113

**Court of Common Pleas**

**STATE'S RESPONSE TO REQUEST FOR DISCOVERY UNDER RULE 16**  
**November 18, 2022 13:24**

By: FALLON RADIGAN 0085095

Confirmation Nbr. 2706505

THE STATE OF OHIO

CR 22 675831-A

vs.

ALEXANDER DUNN

**Judge: KELLY ANN GALLAGHER**

**Pages Filed: 12**

**Cuyahoga County Court of Common Pleas  
Criminal Court Division**

State of Ohio,		)	<b>CASE NO.</b> 675831-22-CR
	Plaintiff	)	<b>JUDGE</b> Kelly Gallagher
vs.		)	<b><u>RESPONSE TO DEFENDANT'S</u></b>
Alexander Dunn,		)	<b><u>REQUEST FOR DISCOVERY</u></b>
	Defendant	)	

Pursuant to the requirements of Ohio Criminal Rule 16, the Prosecuting Attorney herein provides defense counsel with copies or photographs, or will permit inspection of the following:

1) *Crim.R.16(B)(1)*  
Bill of Particulars

See attached: Bill of Particulars

2) *Crim.R.16(B)(2)*  
Criminal record of defendant Alexander Dunn

COUNSEL ONLY    Party's Criminal History - CCPO Records Check for Alexander  
Dunn  
Delivered via web portal.

3) *Crim.R.16(B)(1)-(7)*  
Evidence:

1. Other item - 911 Tape, Dispatch Tape
2. Personal property - Cell Phone
3. CD/DVD/Hosted - Interview
4. Other item - Phone Records (Subscriber Billing, Incoming, Outgoing, Text)
5. Other item - Statements
6. Other item - Video or Audio Tape

4) *Crim.R.16(B)(1)-(7); Crim.R.16(K)*

THE FOLLOWING ATTACHED FILES HAVE BEEN DELIVERED TO THE DEFENSE AT DEFENSE COUNSEL'S INDEPENDENT PORTAL AT DEFENSE.CCPOPORTAL.US. FOR TECHNICAL ASSISTANCE COUNSEL MAY CONTACT THE DISCOVERY SUPPORT LINE AT (216) 443-7586.

Attached files delivered via web portal:

1. COUNSEL ONLY Party's Criminal History - CCPO Records Check for Alexander Dunn, Criminal record of defendant Alexander Dunn
2. COUNSEL ONLY Evidence Report - BEAST Evidence release
3. COUNSEL ONLY Consent to Search - Consent to Search
4. Witness Statement - CPS statement
5. Photographs, Item - DUNN Apple MacBook Pro
6. Photographs, Item - DUNN Apple MacBook Pro
7. Photographs, Item - DUNN Apple MacBook Pro
8. Complaint Summary - Dunn Compliant - SRAL
9. Photographs, Item - DUNN Iphone XS IMEI / simcard number
10. Photographs, Item - DUNN Motorola Moto G phone
11. Photographs, Item - DUNN Motorola Moto G phone
12. Photographs, Item - DUNN Motorola Moto G phone
13. Photographs, Item - DUNN Motorola Moto G phone
14. Photographs, Item - DUNN Motorola Moto G phone
15. COUNSEL ONLY Photographs, Item - DUNN Passport
16. COUNSEL ONLY Photographs, Item - DUNN Passport
17. COUNSEL ONLY Photographs, Item - DUNN Passport
18. COUNSEL ONLY Photographs, Item - DUNN Passport
19. Photographs, Item - DUNN T Mobile receipt for Moto G phone
20. Photographs, Item - DUNN Yubico Bluetooth 2 factor authentication device
21. Photographs, Item - DUNN Yubico Bluetooth 2 factor authentication device
22. Photographs, Item - IPHONE - ROSE GOLD - DUNN'S
23. Photographs, Item - IPHONE - ROSE GOLD - DUNN'S
24. Photographs, Item - IPHONE 11- RICHARDS
25. Photographs, Item - IPHONE 11- RICHARDS
26. COUNSEL ONLY Other Documents - Juvenile fact sheet
27. Consent to Search - Macbook Handling Req - SRAL
28. 911 Audio - Non-emergency phone call
29. Consent to Search - Phone Handling Req - SRAL
30. COUNSEL ONLY Photographs, Item - Saved Snapchat chat on M phone from A

31. COUNSEL ONLY Search Warrant - Search warrant for electronics
32. COUNSEL ONLY Search Warrant - Search warrant for Snapchat
33. COUNSEL ONLY Witness Statement - Statement Dad
34. COUNSEL ONLY Evidence Report - Updated BEAST Report - DRAB

5) *Crim.R.16(I)*

While reserving the right to call any and all witnesses contained in the reports provided during discovery, the Prosecuting Attorney intends to call the following witnesses at trial:

1. Stephen Krebs  
27300 Hilliard Blvd.  
Westlake, OH 44145  
Criminal Record: None
2. Douglas W. Shelby  
27300 Hilliard Blvd.  
Westlake, OH 44145  
Criminal Record: None
3. Zack A. Hitchens  
27300 Hilliard Blvd.  
Westlake, OH 44145  
Criminal Record: None
4. Giovanni Santiago  
27300 Hilliard Blvd.  
Westlake, OH 44145  
Criminal Record: None
5. Ronald A. Boots  
27300 Hilliard Blvd.  
Westlake, OH 44145  
Criminal Record: None
6. Agent Fbi Special Shardron Starnes  
Criminal Record: None
7. Agent Fbi Special Melanie Goebel  
Criminal Record: None
8. Agent Fbi Special Monica Hantz  
Criminal Record: None
9. Representative Of Westlake Police Department  
27300 Hilliard Blvd.  
Westlake, OH 44145  
Criminal Record: None

Respectfully submitted,  
Michael C. O'Malley #0059592  
Cuyahoga County Prosecutor



11/18/2022

BY: Fallon Radigan #0085095  
Assistant Prosecuting Attorney  
The Justice Center - 9th Floor  
1200 Ontario Street  
Cleveland, OH 44113  
(216) 443-7846

**SERVICE**

A copy of the foregoing Response to Defendant's Request for Discovery pursuant to Criminal Rule 16 has been filed and served electronically on November 18, 2022 upon: Maureen Dixon, Attorney for Alexander Dunn, at: DEFENSE.CCPOPORTAL.US

*(Select the option below to indicate service by U.S. mail)*

\_\_\_\_\_ If selected, a copy of the foregoing Response to Defendant's Request for Discovery pursuant to Criminal Rule 16 has been filed and mailed this \_\_\_\_\_ day of \_\_\_\_\_, 2022, to:

\_\_\_\_\_

Attorney for Alexander Dunn, at:

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_



11/18/2022

BY: Fallon Radigan #0085095  
Assistant Prosecuting Attorney

## Attachments

- 1) Bill of Particulars

***Bill of Particulars***

**Cuyahoga County Court of Common Pleas  
Criminal Court Division**

State of Ohio,	)	CASE NO. 675831-22-CR
	)	JUDGE Kelly Gallagher
	)	
VS.	)	<b><u>BILL OF PARTICULARS</u></b>
	)	
Alexander Dunn,	)	
	)	
Defendant	)	

Responding to the request of the Defendant, Alexander Dunn, for a Bill of Particulars, the Assistant Prosecuting Attorney says that the State of Ohio will prove on the trial of the above-entitled case, the following:

- **Count 1: Pandering Sexually-Oriented Matter Involving a Minor, 2907.322(A)(5)**

That on or about March 31, 2022, and at the location of 198 Crocker Park Boulevard, Westlake, OH 44145, the Defendant, Alexander Dunn, did, with knowledge of the character of the material or performance involved, knowingly solicit, receive, purchase, exchange, possess, or control material that shows a minor person participating or engaging in sexual activity, masturbation, or bestiality contrary to the form of the statute in such case made and provided, and against the peace and dignity of the State of Ohio.

- **Count 2: Pandering Sexually-Oriented Matter Involving a Minor, 2907.322(A)(5)**

That on or about October 21, 2021, and at the location of 198 Crocker Park Boulevard, Westlake, OH 44145, the Defendant, Alexander Dunn, did, with knowledge of the character of the material or performance involved, knowingly solicit, receive, purchase, exchange, possess, or control material that shows a minor person participating or engaging in sexual activity, masturbation, or bestiality contrary to the form of the statute in such case made and provided, and against the peace and dignity of the State of Ohio.

- **Count 3: Pandering Sexually-Oriented Matter Involving a Minor, 2907.322(A)(5)**

That on or about April 23, 2021, and at the location of 198 Crocker Park Boulevard, Westlake, OH 44145, the Defendant, Alexander Dunn, did, with knowledge of the character of the material or performance involved, knowingly solicit, receive, purchase, exchange, possess, or control material that shows a minor person participating or engaging in sexual activity, masturbation, or bestiality contrary to the form of the statute in such case made and provided, and against the peace and dignity of the State of Ohio.

- **Count 4: Pandering Sexually-Oriented Matter Involving a Minor, 2907.322(A)(5)**

That on or about April 23, 2021, and at the location of 198 Crocker Park Boulevard, Westlake, OH 44145, the Defendant, Alexander Dunn, did, with knowledge of the character of the material or performance involved, knowingly solicit, receive, purchase, exchange, possess, or control material that shows a minor person participating or engaging in sexual activity, masturbation, or bestiality contrary to the form of the statute in such case made and provided, and against the peace and dignity of the State of Ohio.

- **Count 5: Illegal Use Of Minor In Nudity-Oriented Material Or Performance,**

**2907.323(A)(3)**

That on or about September 10, 2022, and at the location of 198 Crocker Park Boulevard, Westlake, OH 44145, the Defendant, Alexander Dunn, did recklessly possess or view material or performance that shows a minor who was not Alexander Dunn's child or ward in a state of nudity in violation of Section 2907.323 of the Revised Code contrary to the form of the statute in such case made and provided, and against the peace and dignity of the State of Ohio.

- **Count 6: Illegal Use Of Minor In Nudity-Oriented Material Or Performance, 2907.323(A)(3)**

That on or about March 31, 2022, and at the location of 198 Crocker Park Boulevard, Westlake, OH 44145, the Defendant, Alexander Dunn, did recklessly possess or view material or performance that shows a minor who was not Alexander Dunn's child or ward in a state of nudity in violation of Section 2907.323 of the Revised Code contrary to the form of the statute in such case made and provided, and against the peace and dignity of the State of Ohio.

- **Count 7: Illegal Use Of Minor In Nudity-Oriented Material Or Performance, 2907.323(A)(3)**

That on or about March 25, 2022, and at the location of 198 Crocker Park Boulevard, Westlake, OH 44145, the Defendant, Alexander Dunn, did recklessly possess or view material or performance that shows a minor who was not Alexander Dunn's child or ward in a state of nudity in violation of Section 2907.323 of the Revised Code contrary to the form of the statute in such case made and provided, and against the peace and dignity of the State of Ohio.

- **Count 8: Illegal Use Of Minor In Nudity-Oriented Material Or Performance, 2907.323(A)(3)**

That on or about October 16, 2021, and at the location of 198 Crocker Park Boulevard, Westlake, OH 44145, the Defendant, Alexander Dunn, did recklessly possess or view material or performance that shows a minor who was not Alexander Dunn's child or ward in a state of nudity in violation of Section 2907.323 of the Revised Code contrary to the form of the statute in such case made and provided, and against the peace and dignity of the State of Ohio.

- **Count 9: Illegal Use Of Minor In Nudity-Oriented Material Or Performance, 2907.323(A)(3)**

That on or about September 23, 2021, and at the location of 198 Crocker Park Boulevard, Westlake, OH 44145, the Defendant, Alexander Dunn, did recklessly possess or view material or performance that shows a minor who was not Alexander Dunn's child or ward in a state of nudity in violation of Section 2907.323 of the Revised Code contrary to the form of the statute in such case made and provided, and against the peace and dignity of the State of Ohio.

- **Count 10: Illegal Use Of Minor In Nudity-Oriented Material Or Performance, 2907.323(A)(3)**

That on or about September 23, 2021, and at the location of 198 Crocker Park Boulevard, Westlake, OH 44145, the Defendant, Alexander Dunn, did recklessly possess or view material or performance that shows a minor who was not Alexander Dunn's child or ward in a state of nudity in violation of Section 2907.323 of the Revised Code contrary to the form of the statute in such case made and provided, and against the peace and dignity of the State of Ohio.

- **Count 11: Illegal Use Of Minor In Nudity-Oriented Material Or Performance, 2907.323(A)(3)**

That on or about June 4, 2021, and at the location of 198 Crocker Park Boulevard, Westlake,

OH 44145, the Defendant, Alexander Dunn, did recklessly possess or view material or performance that shows a minor who was not Alexander Dunn's child or ward in a state of nudity in violation of Section 2907.323 of the Revised Code contrary to the form of the statute in such case made and provided, and against the peace and dignity of the State of Ohio.

- **Count 12: Illegal Use Of Minor In Nudity-Oriented Material Or Performance, 2907.323(A)(3)**

That on or about June 2, 2021, and at the location of 198 Crocker Park Boulevard, Westlake, OH 44145, the Defendant, Alexander Dunn, did recklessly possess or view material or performance that shows a minor who was not Alexander Dunn's child or ward in a state of nudity in violation of Section 2907.323 of the Revised Code contrary to the form of the statute in such case made and provided, and against the peace and dignity of the State of Ohio.

- **Count 13: Illegal Use Of Minor In Nudity-Oriented Material Or Performance, 2907.323(A)(3)**

That on or about May 16, 2021, and at the location of 198 Crocker Park Boulevard, Westlake, OH 44145, the Defendant, Alexander Dunn, did recklessly possess or view material or performance that shows a minor who was not Alexander Dunn's child or ward in a state of nudity in violation of Section 2907.323 of the Revised Code contrary to the form of the statute in such case made and provided, and against the peace and dignity of the State of Ohio.

- **Count 14: Illegal Use Of Minor In Nudity-Oriented Material Or Performance, 2907.323(A)(3)**

That on or about April 30, 2021, and at the location of 198 Crocker Park Boulevard, Westlake, OH 44145, the Defendant, Alexander Dunn, did recklessly possess or view material or performance that shows a minor who was not Alexander Dunn's child or ward in a state of nudity in violation of Section 2907.323 of the Revised Code contrary to the form of the statute in such case made and provided, and against the peace and dignity of the State of Ohio.

- **Count 15: Illegal Use Of Minor In Nudity-Oriented Material Or Performance, 2907.323(A)(3)**

That on or about April 23, 2021, and at the location of 198 Crocker Park Boulevard, Westlake, OH 44145, the Defendant, Alexander Dunn, did recklessly possess or view material or performance that shows a minor who was not Alexander Dunn's child or ward in a state of nudity in violation of Section 2907.323 of the Revised Code contrary to the form of the statute in such case made and provided, and against the peace and dignity of the State of Ohio.

- **Count 16: Illegal Use Of Minor In Nudity-Oriented Material Or Performance, 2907.323(A)(3)**

That on or about April 21, 2021, and at the location of 198 Crocker Park Boulevard, Westlake, OH 44145, the Defendant, Alexander Dunn, did recklessly possess or view material or performance that shows a minor who was not Alexander Dunn's child or ward in a state of nudity in violation of Section 2907.323 of the Revised Code contrary to the form of the statute in such case made and provided, and against the peace and dignity of the State of Ohio.

- **Count 17: Illegal Use Of Minor In Nudity-Oriented Material Or Performance, 2907.323(A)(3)**

That on or about April 21, 2021, and at the location of 198 Crocker Park Boulevard, Westlake, OH 44145, the Defendant, Alexander Dunn, did recklessly possess or view material or performance that shows a minor who was not Alexander Dunn's child or ward in a state of nudity in violation of Section 2907.323 of the Revised Code contrary to the form of the statute

in such case made and provided, and against the peace and dignity of the State of Ohio.

- **Count 18: Illegal Use Of Minor In Nudity-Oriented Material Or Performance, 2907.323(A)(3)**

That on or about April 21, 2021, and at the location of 198 Crocker Park Boulevard, Westlake, OH 44145, the Defendant, Alexander Dunn, did recklessly possess or view material or performance that shows a minor who was not Alexander Dunn's child or ward in a state of nudity in violation of Section 2907.323 of the Revised Code contrary to the form of the statute in such case made and provided, and against the peace and dignity of the State of Ohio.

- **Count 19: Possessing Criminal Tools, 2923.24(A)**

That on or about April 21, 2021 to October 24, 2022, and at the location of 198 Crocker Park Boulevard, Westlake, OH 44145, the Defendant, Alexander Dunn, did possess or have under the person's control any substance, device, instrument, or article, to wit: Grey, MacBook Pro laptop, Model A2442, Serial Number - K4D5207D0J and/or b. Blue, Motorola Moto G Pure phone, IMEI – 357902510484260 and/or Black, Yubico Bluetooth authenticator, Serial Number – 19668846 and/or Gold Apple iPhone XS, IMEI-357212097520878 with purpose to use it criminally contrary to the form of the statute in such case made and provided, and against the peace and dignity of the State of Ohio.

FURTHERMORE, the Grey, MacBook Pro laptop, Model A2442, Serial Number - K4D5207D0J and/or b. Blue, Motorola Moto G Pure phone, IMEI – 357902510484260 and/or Black, Yubico Bluetooth authenticator, Serial Number – 19668846 and/or Gold Apple iPhone XS, IMEI-357212097520878 involved in the offense were intended for use in the commission of a felony, to wit: R.C. 2907.322(A)(5) and/or R.C. 2907.323(A)(3).

FURTHERMORE, the defendant(s) is/are the owner(s) and/or possessor(s) of Grey, MacBook Pro laptop, Model A2442, Serial Number - K4D5207D0J and/or b. Blue, Motorola Moto G Pure phone, IMEI – 357902510484260 and/or Black, Yubico Bluetooth authenticator, Serial Number – 19668846 and/or Gold Apple iPhone XS, IMEI-357212097520878 which is contraband and/or property derived from or through the commission or facilitation of an offense, and/or is an instrumentality the offender(s) used or intended to use in the commission or facilitation of a felony offense.

See Response to Request for Discovery for further information.

The Assistant Prosecuting Attorney says further that under the laws governing Indictments and Bills of Particulars, the Assistant Prosecuting Attorney is not required to disclose through a Bill of Particulars, the other evidentiary matters requested in the Defendant's Motion for a Bill of Particulars.

Respectfully submitted,  
Michael C. O'Malley #0059592  
Cuyahoga County Prosecutor



11/18/2022

---

BY: Fallon Radigan #0085095  
Assistant Prosecuting Attorney  
The Justice Center - 9th Floor  
1200 Ontario Street  
Cleveland, OH 44113  
(216) 443-7846

SERVICE

A copy of the foregoing Bill of Particulars has been filed and served electronically on November 18, 2022 upon: Maureen Dixon, Attorney for Defendant, at: DEFENSE.CCPOPORTAL.US

*(Select the option below to indicate service by U.S. mail)*

\_\_\_\_\_ If selected, a copy of the foregoing Bill of Particulars has been filed and mailed this  
\_\_\_\_\_ day of \_\_\_\_\_, 2022, to:

\_\_\_\_\_

Attorney for Alexander Dunn, at:

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

*Fallon Radigan*

11/18/2022

BY: Fallon Radigan #0085095  
Assistant Prosecuting Attorney



**NAILAH K. BYRD**  
**CUYAHOGA COUNTY CLERK OF COURTS**  
1200 Ontario Street  
Cleveland, Ohio 44113

**Court of Common Pleas**

**GENERAL PLEADING**  
**December 14, 2022 11:03**

By: FALLON RADIGAN 0085095

Confirmation Nbr. 2725891

THE STATE OF OHIO

CR 22 675831-A

vs.

**Judge: KELLY ANN GALLAGHER**

ALEXANDER DUNN

**Pages Filed: 4**



## MEMORANDUM

### **I. Background**

On October 24, 2022, Alexander Dunn (hereinafter “Defendant”) was apprehended by the Westlake Police Department. The Defendant flew to the United States from England to meet a 16-year-old-minor. The minor and the Defendant met online and had been communicating for approximately two to three years. The Defendant was in possession of child exploitation material of the minor when he was apprehended.

The Defendant was charged with a nineteen count indictment. The Defendant was charged with the following:

- Four (4) counts of Pandering Sexually-Oriented Matter Involving a Minor in violation of R.C. 2907.322(A)(5);
- Fourteen (14) counts of Illegal Use of Minor in Nudity-Oriented Material or Performance in violation of R.C. 2907.323(A)(3); and
- One (1) count of Possessing Criminal Tools in violation of R.C. 2923.24(A).

On November 9, 2022, a bond was set for \$50,000 cash/surety. Furthermore, the Defendant had to surrender his passport to the Clerk of Courts in Cuyahoga County. Now defense counsel would like to modify the Defendant’s bond.

### **II. Law and Argument**

Crim.R. 46(C) provides:

In determining the types, amounts, and conditions of bail, the court shall consider all relevant information, including but not limited to:

- (1) The nature and circumstances of the crime charged;
- (2) The weight of the evidence against the defendant;


- (3) The confirmation of the defendant's identity;
- (4) The defendant's family ties, employment, financial resources, character, mental condition, length of residence in the community, jurisdiction of residence, record of convictions, record of appearance at court proceedings or of flight to avoid prosecution;
- (5) Whether the defendant is on probation, a community control sanction, parole, post-release control, or bail.

Likewise, Crim.R. 46(B)(7) allows the Court to set any condition of bond that is "reasonably necessary to ensure appearance or public safety." Ohio Crim. R 46(I) states in relevant part, ". . . If there is a breach of condition of bail, the court may amend the bail." If a court finds that a defendant has violated conditions of bond, the court may revoke the defendant's bond as a sanction. *In re Mason*, 7<sup>th</sup> Dist. Mahoning Nos. 96 CA. 198, 96 C.A.199, 116 Ohio App. 3d 451, 454, 688 N.E.2d 552. *See also State v. Clagg*, 4<sup>th</sup> Dist. Gallia No. 19CA2, 2019-Ohio-4527, ¶ 17.

If this Court is agreeable to a personal bond, the State would request the location where the Defendant will be staying. Also, the State would request GPS monitoring be in place while he is on bond. Finally, the State would ask for no contact with the victim in this matter.

Respectfully Submitted,

MICHAEL C. O'MALLEY  
CUYAHOGA COUNTY PROSECUTOR

BY:  12/14/2022  
Fallon Radigan (0085095)  
Assistant County Prosecutors  
Justice Center-Ninth Floor  
1200 Ontario Street  
Cleveland, Ohio 44113  
(216) 443-7846

**SERVICE**

A copy of the foregoing State's Motion to Modified Defendant's Bond has been served via the Cuyahoga County Defense Portal and this 14<sup>th</sup> day of December 2022.

Respectfully Submitted,

**MICHAEL C. O'MALLEY  
CUYAHOGA COUNTY PROSECUTOR**



12/14/2022

**Fallon Radigan (#0085095)**  
Assistant Prosecuting Attorney  
The Justice Center  
1200 Ontario Street, 9<sup>th</sup> Floor  
Cleveland, Ohio 44113  
Tel.: 216.443.7846  
Fax: 216.698.2270  
Email: [fradigan@prosecutor.cuyahogacounty.us](mailto:fradigan@prosecutor.cuyahogacounty.us)



**NAILAH K. BYRD**  
**CUYAHOGA COUNTY CLERK OF COURTS**  
1200 Ontario Street  
Cleveland, Ohio 44113

**Court of Common Pleas**

**SUPPLEMENTAL DISCOVERY RESPONSE TO REQUEST FOR DISCOVERY UNDER RULE 16**  
**December 14, 2022 15:54**

By: FALLON RADIGAN 0085095

Confirmation Nbr. 2726528

THE STATE OF OHIO

CR 22 675831-A

vs.

**Judge: KELLY ANN GALLAGHER**

ALEXANDER DUNN

**Pages Filed: 2**

**Cuyahoga County Court of Common Pleas  
Criminal Court Division**

State of Ohio,	)	CASE NO. 675831-22-CR
	)	JUDGE Kelly Gallagher
Plaintiff	)	
	)	
vs.	)	<b><u>SUPPLEMENTAL RESPONSE TO</u></b>
	)	<b><u>REQUEST FOR DISCOVERY</u></b>
Alexander Dunn,	)	
	)	
Defendant	)	

Pursuant to the continuing obligation of Ohio Criminal Rule 16, the Prosecuting Attorney submits the following additional information:

1) *Crim.R.16(B)(1)-(7); Crim.R.16(K)*

THE FOLLOWING ATTACHED FILES HAVE BEEN DELIVERED TO THE DEFENSE AT DEFENSE COUNSEL'S INDEPENDENT PORTAL AT DEFENSE.CCPOPORTAL.US. FOR TECHNICAL ASSISTANCE COUNSEL MAY CONTACT THE DISCOVERY SUPPORT LINE AT (216) 443-7586.

Attached files delivered via web portal:

1. COUNSEL ONLY Additional Police Report
2. COUNSEL ONLY County Police Report - Standardized county report generated from CRIME site

Respectfully submitted,  
Michael C. O'Malley #0059592  
Cuyahoga County Prosecutor



12/14/2022

BY: Fallon Radigan #0085095  
Assistant Prosecuting Attorney  
The Justice Center - 9th Floor  
1200 Ontario Street  
Cleveland, OH 44113  
(216) 443-7846

**SERVICE**

A copy of the foregoing Supplemental Response to Request for Discovery pursuant to Criminal Rule 16 has been filed and served electronically on December 14, 2022 upon: Maureen Dixon, Attorney for Alexander Dunn, at: DEFENSE.CCPOPORTAL.US

*(Select the option below to indicate service by U.S. mail)*

\_\_\_\_\_ If selected, a copy of the foregoing Supplemental Response to Request for Discovery pursuant to Criminal Rule 16 has been filed and mailed this \_\_\_\_\_ day of \_\_\_\_\_, 2022, to:

\_\_\_\_\_ ,

Attorney for Alexander Dunn, at:

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

*Fallon Radigan*

12/14/2022

BY: Fallon Radigan #0085095  
Assistant Prosecuting Attorney



**NAILAH K. BYRD**  
**CUYAHOGA COUNTY CLERK OF COURTS**  
1200 Ontario Street  
Cleveland, Ohio 44113

**Court of Common Pleas**

**STATE'S NOTICE OF RECEIPT OF DEMAND FOR DISCOVERY**  
**November 16, 2022 08:53**

By: FALLON RADIGAN 0085095

Confirmation Nbr. 2703532

THE STATE OF OHIO

CR 22 675831-A

vs.

**Judge: KELLY ANN GALLAGHER**

ALEXANDER DUNN

**Pages Filed: 2**

IN THE COURT OF COMMON PLEAS  
CUYAHOGA COUNTY, OHIO  
CRIMINAL DIVISION

STATE OF OHIO	)	CASE NO. 675831-22-CR
Plaintiff	)	
	)	JUDGE Kelly Gallagher
vs.	)	
	)	<u>STATE'S NOTICE OF RECEIPT OF</u>
Alexander Dunn,	)	<u>DEFENDANT'S WRITTEN</u>
Defendant	)	<u>DEMAND FOR DISCOVERY</u>

Now comes the State of Ohio, by and through counsel, Michael C. O'Malley, the Cuyahoga County Prosecutor, and his assistant Fallon Radigan, and respectfully gives notice to this Honorable Court that on November 16, 2022 it received defendant's written demand for discovery pursuant to Criminal Rule 16 in the form of a letter.

Respectfully submitted,

MICHAEL C. O'MALLEY (#0059592)  
CUYAHOGA COUNTY PROSECUTOR

/s/ Fallon Radigan

---

BY: Fallon Radigan # 0085095  
Assistant Prosecuting Attorney  
Justice Center, 9th Floor  
1200 Ontario Street  
Cleveland, Ohio 44113  
fradigan@prosecutor.cuyahogacounty.us  
(216) 443-7846

CERTIFICATE OF SERVICE

A copy of the foregoing NOTICE OF RECEIPT OF DEFENDANTS WRITTEN DEMAND FOR DISCOVERY has been filed and web-delivered on November 16, 2022, to the following:

Maureen Dixon  
Attorney for Alexander Dunn

/s/ Fallon Radigan

---

BY: Fallon Radigan # 0085095  
Assistant Prosecuting Attorney



**NAILAH K. BYRD**  
**CUYAHOGA COUNTY CLERK OF COURTS**  
1200 Ontario Street  
Cleveland, Ohio 44113

**Court of Common Pleas**

**STATE'S NOTICE OF RECEIPT OF DEMAND FOR DISCOVERY**  
**November 29, 2022 09:45**

By: FALLON RADIGAN 0085095

Confirmation Nbr. 2712404

THE STATE OF OHIO

CR 22 675831-A

vs.

**Judge: KELLY ANN GALLAGHER**

ALEXANDER DUNN

**Pages Filed: 2**

IN THE COURT OF COMMON PLEAS  
CUYAHOGA COUNTY, OHIO  
CRIMINAL DIVISION

STATE OF OHIO  
Plaintiff

vs.

Alexander Dunn,  
Defendant

)  
)  
)  
)  
)  
)  
)

CASE NO. 675831-22-CR

JUDGE Kelly Gallagher

STATE'S NOTICE OF RECEIPT OF  
DEFENDANT'S WRITTEN  
DEMAND FOR DISCOVERY

Now comes the State of Ohio, by and through counsel, Michael C. O'Malley, the Cuyahoga County Prosecutor, and his assistant Fallon Radigan, and respectfully gives notice to this Honorable Court that on November 29, 2022 it received defendant's written demand for discovery pursuant to Criminal Rule 16 in the form of a letter.

Respectfully submitted,

MICHAEL C. O'MALLEY (#0059592)  
CUYAHOGA COUNTY PROSECUTOR

/s/ Fallon Radigan

---

BY: Fallon Radigan # 0085095  
Assistant Prosecuting Attorney  
Justice Center, 9th Floor  
1200 Ontario Street  
Cleveland, Ohio 44113  
fradigan@prosecutor.cuyahogacounty.us  
(216) 443-7846

CERTIFICATE OF SERVICE

A copy of the foregoing NOTICE OF RECEIPT OF DEFENDANTS WRITTEN DEMAND FOR DISCOVERY has been filed and web-delivered on November 29, 2022, to the following:

Maureen Dixon  
Attorney for Alexander Dunn

/s/ Fallon Radigan

---

BY: Fallon Radigan # 0085095  
Assistant Prosecuting Attorney



**NAILAH K. BYRD**  
**CUYAHOGA COUNTY CLERK OF COURTS**  
1200 Ontario Street  
Cleveland, Ohio 44113

**Court of Common Pleas**

**MOTION FOR BOND REDUCTION**  
**December 7, 2022 12:27**

By: MAUREEN DIXON 0096429

Confirmation Nbr. 2720400

THE STATE OF OHIO

CR 22 675831-A

vs.

ALEXANDER DUNN

**Judge: KELLY ANN GALLAGHER**

**Pages Filed: 5**

IN THE COURT OF COMMON PLEAS  
CUYAHOGA COUNTY, OHIO  
CRIMINAL DIVISION

STATE OF OHIO  
Plaintiff

: CASE NO. CR-22-675831

: JUDGE KELLY ANN GALLAGHER

vs.

**MOTION TO REDUCE BOND**  
(Oral Hearing Requested)

ALEXANDER DUNN  
Defendant

Now comes ALEXANDER DUNN, by and through counsel, and respectfully moves this Honorable Court, pursuant to Crim.R. 46, the Eighth Amendment, and Art. I, Sec. 9 of the Ohio Constitution, to reduce the bond currently set at \$50,000 cash/surety/property to a personal bond. Further reasons are set forth in the attached memorandum in support.

Respectfully submitted,

CULLEN SWEENEY  
CHIEF PUBLIC DEFENDER

*/s/ Maureen Dixon*

MAUREEN DIXON (0096429)  
Assistant Public Defender  
Attorney for Defendant  
310 Lakeside Avenue, Suite 400  
Cleveland, OH 44113  
216-443-3680  
mdixon@cuyahogacounty.us

## MEMORANDUM IN SUPPORT

### **I. Constitutional right to a reasonable bail**

The Eighth Amendment to the United States Constitution provides that “[e]xcessive bail shall not be required.” Further, the defendant is entitled to bail pursuant to Section 9, Article I of the Ohio Constitution, which provides that:

All persons shall be bailable by sufficient sureties, except for a person who is charged with a capital offense where the proof is evident or the presumption great, and except for a person who is charged with a felony where the proof is evident or the presumption great and where the person poses a substantial risk of serious physical harm to any person or to the community. Where a person is charged with any offense for which the person may be incarcerated, the court may determine at any time the type, amount, and conditions of bail. **Excessive bail shall not be required**; nor excessive fines imposed; nor cruel and unusual punishments inflicted.

### **II. Factors for determining the right to bail**

The imposition of excessive pretrial bail can have dramatic consequences on an accused beyond the ability to live in the community while proceedings are pending. Paul Heaton, Sandra Mayson & Megan Stevenson, *The Downstream Consequences of Misdemeanor Pretrial Detention*, 69 Stan. L. Rev. 711, 722 (2017) (noting six frequent ways in which pretrial detention can adversely affect defendants, including increased incentives to plead guilty, difficulties preparing a defense, and the inability to present positive mitigation behavior). One study of pretrial detention concluded that “detained defendants are 25% more likely than similarly situated releases to plead guilty, are 43% more likely to be sentenced to jail, and receive jail sentences that are twice as long on average. Furthermore, those detained pretrial are more likely to commit future crimes, which suggests that detention may have a criminogenic effect.” *Id.* at 711. In *Barker v. Wingo*, Justice Powell wrote:

The time spent in jail awaiting trial has a detrimental impact on the individual. It often means the loss of a job; it disrupts family life; and it enforces idleness. . . . Moreover, if a defendant is locked up, he is hindered in his ability to gather evidence, contact witnesses, or otherwise prepare his defense. Imposing those consequences on anyone who has not yet been convicted is serious. It is especially unfortunate to impose them on those persons who are ultimately found to be innocent. Finally, even if an accused is not incarcerated prior to trial, he is still disadvantaged by restraints on his liberty and by living under a cloud of anxiety, suspicion, and often hostility.

*Barker v. Wingo*, 407 U.S. 514, 532–33 (1972). Robert F. Kennedy, while Attorney General, echoed that sentiment in testimony before the Senate: “The man who must wait in jail before trial will often lose his job. He will lose his freedom to help prepare his own defense. And he will lose his self-respect.” Hon. Eric T. Washington, *State Courts and the Promise of Pretrial Justice in Criminal Cases*, 91 N.Y.U. L. Rev. 1087, 1088 (2016). Accordingly, not only does an accused have a right to bail under the Ohio Constitution, but such bail must be reasonable in order to prevent incarceration solely based on a defendant’s ability to pay, which inevitably results in irreparable harm to a person presumed innocent.

When determining the proper amount for bail, courts must consider that the “purpose of bail is to ensure the appearance of the defendant at all stages of the criminal proceeding.” *In re Complaint for Writ of Habeas Corpus for Hernandez et al.*, 126 Ohio App.3d 584, 588, 710 N.E.2d 1187 (8th Dist. 1998); *see also Turner v. Fitzsimmons*, 8th Dist. Cuyahoga No. 102881, 2015-Ohio-2045, ¶ 4. Generally, for the bond amount to be proper, it “must be reasonable and must be commensurate with the risk of flight in order to ensure the presence of [the accused] at trial.” *Id.* Crim.R. 46(C) sets forth the factors that courts must consider “[i]n determining the types, amounts, and conditions of bail” as “all relevant information, including but not limited to:

- 1) The nature and circumstances of the crime charged;
- 2) The weight of the evidence against the defendant;

- 3) The confirmation of the defendant's identity;
- 4) The defendant's family ties, employment, financial resources, character, mental condition, length of residence in the community, jurisdiction of residence, record of convictions, record of appearance at court proceedings or of flight to avoid prosecution;
- 5) Whether the defendant is on probation, a community control sanction, parole, post-release control, or bail.

In further support of this motion, Devin Holman offers the following information for the court's consideration:

1. Alex can be under the close supervision of the pre-trial services division on any of the following restrictions: GPS monitoring, exclusion zones, CSR services and no contact orders.
2. Alex's passport has been confiscated and he is not a flight risk.
3. He is very reliant on the public defenders office, as he does not have family or many friends here. He will be in constant contact with his attorney and social worker.
4. He does not have a criminal history.

### III. CONCLUSION

For the above stated reasons, Alexander Dunn respectfully requests that his bond, currently set at \$50, 000, be reduced to a personal bond, as the above considerations heavily weigh in favor of a finding that Mr. Dunn's appearance is reasonably assured as provided in Crim.R. 46.

Respectfully submitted,

CULLEN SWEENEY  
CHIEF PUBLIC DEFENDER

*/s/ Maureen Dixon*

MAUREEN DIXON (0096429)  
Attorney for Defendant

**CERTIFICATE OF SERVICE**

A copy of the foregoing Motion to Reduce Bond will be served upon the Cuyahoga County  
Prosecutor via the E-Filing System.

Respectfully submitted,

CULLEN SWEENEY  
CHIEF PUBLIC DEFENDER

*/s/ Maureen Dixon*

MAUREEN DIXON (0096429)  
Assistant Public Defender  
Attorney for Defendant  
310 Lakeside Avenue, Suite 400  
Cleveland, OH 44113  
216-443-3680  
mdixon@cuyahogacounty.us