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

STATE OF OHIO,	CASE NO.: 2024 CR 03226
Plaintiff(s),	JUDGE STEVEN K. DANKOF
-vs-	
JONATHAN ERIC LINK,	**ORDER OVERRULING MOTION TO SUPPRESS SEARCHES AND STATEMENTS**
Defendant(s).	

This matter is before the Court on Defendant Jonathan Eric Link's ("Mr. Link") October 1, 2025 Amended Motion to Suppress Evidence from Warrantless Searches August and October, 2001 and Request for a Hearing ("the Motion"). The Court has certainly considered any filings related to the Motion. Further, on October 23, 2025, a hearing[1] on the Motion was held, during which the following witnesses testified: retired Kettering Police Department ("KPD") Officer Don Root ("Ofc. Root"), retired KPD Detective Steve Driscoll ("Det. Driscoll"), KPD Officer Edward Simoni ("Ofc. Simoni"), Ross County Sheriff's Office Lieutenant Tony Wheaton ("Lt. Wheaton"), KPD Detective Robert Green ("Det. Green"), KPD Detective Gregory Stout ("Det. Stout"), and Mr. Link. For the purposes ***of the hearing only***, State's Exhibits 1-11, inclusive,[2] and Defendant's Exhibit A[3] were, with agreement of the Parties, admitted into evidence. An email from Prosecutor Lynda Dodd was marked as Court's Exhibit I. Additionally, the Parties entered into a stipulation that the handwritten notes contained in State's Exhibit 7 were written by Mr. Link.[4]

[1] At this hearing, the Court also heard testimony relating to Mr. Link's October 1, 2025 Motion to Dismiss and/or Suppress Evidence for Violation of Defendant's Attorney/Client Privilege – which Motion will be the subject of a separate Order.
[2] State's Exhibit 1 is a victim/witness assistance program pamphlet, State's Exhibit 2 is the consent form for the 8/18/01 search, State's Exhibit 3 is the consent form for the 10/10/01 search, State's Exhibit 4 is the search warrant for the 10/10/01 search, State's Exhibit 5A is Lt. Wheaton's interview with Mr. Link, State's Exhibit 5Bi-iii is Det. Green's interview with Mr. Link, State's Exhibit 6 is the interview form from the Det. Green interview, State's Exhibit 7 contains a manila envelope and two binders from Mr. Link's attic, State's Exhibit 8 is a photograph of Mr. Link's attic, State's Exhibit 9 is a photograph of the items found in the attic, State's Exhibit 10 is a photograph of the office cabinet, State's Exhibit 11 is a photograph of the pamphlet.
[3] Defense Exhibit A are investigative notes.
[4] Read into the record during the hearing, filed October 23, 2025, and marked as Court's Exhibit II.

I. FACTS AND PROCEDURAL HISTORY

The Court expressly makes the following findings of fact:[5]

On July 30, 2001, Kettering Police Officer Root was dispatched to Mr. Link's residence at 4516 Far Hills Avenue, Kettering, Montgomery County, Ohio ("the Residence") following Mr. Link's report to police that his girlfriend, Shannon Anderson, had abandoned her children and not returned to the Residence. Upon arrival, Ofc. Root was invited inside by Mr. Link who stated that Ms. Anderson left the Residence on July 28, 2001, without her children, and hadn't returned since.

Subsequently, on August 7, 2001, Mr. Link, after inviting him into the Residence, provided Kettering Det. Driscoll with information about Ms. Anderson and her disappearance.

On August 17, 2001, KPD was alerted that human remains had been found in Ross County. The next day, on August 18, 2001, Det. Driscoll, Ofc. Simoni, and Det. Green[6] went to the Residence to obtain DNA exemplars from Ms. Anderson's effects to compare with the Ross County remains. Det. Driscoll sought and received Mr. Link's voluntary consent to search the Residence via a consent form[7], which the Detective read aloud *verbatim*, after which Mr. Link signed the consent form before the search commenced. The consent form ***expressly and quite clearly*** informed Mr. Link of his rights to refuse consent and prevent a search of the Residence absent a search warrant. At no time did Mr. Link revoke his consent during search of the Residence.

On October 1, 2001, the human remains found in Ross County were positively identified as Ms. Anderson's.

On October 10, 2001, Ross County officers and KPD officers went to the Residence to perform a search. Det. Driscoll again sought and received Mr. Link's entirely voluntary consent to search the Residence via a consent form[8], which Det. Driscoll read aloud *verbatim* to Mr. Link, who then signed the consent form. The consent form again informed Mr. Link of his rights to refuse consent and to thwart any search absent a warrant. At no time on October 10, 2001 did Mr. Link revoke his consent search of the Residence. After finding possible blood evidence, law enforcement suspended the search to obtain a search warrant for the

[5] Based on the Court's review of the exhibits and the testimony of the witnesses. The Court ***expressly*** finds that each witness was credible in every material fact, ***except*** for Mr. Link. The Court ***expressly*** finds that Mr. Link was ***not credible*** in any material respect.
[6] All of the KPD.
[7] State's Exhibit 2.
[8] State's Exhibit 3.

Residence and its curtilage from Kettering Municipal Court Judge Moore, thereafter returning to the Residence, serving the Warrant,[9] and resuming the search. Certain items were removed from the Residence, and Mr. Link's blue Chevy van parked on the curtilage was towed for processing.

During this October 10, 2001 search of the Residence, Mr. Link voluntarily sat in the front seat of Ross County Sheriff Lt. Wheaton's unmarked vehicle and spoke with him while another officer sat in the cruiser's backseat. During this time, Mr. Link was informed by Lt. Wheaton that he was not in custody and was free to decline to talk and to leave at any time. Neither was Mr. Link handcuffed nor restrained in any way, and he intelligently and voluntarily consented to speak with Lt. Wheaton. Ultimately, this interview came to its natural end, and Mr. Link exited the cruiser.

After law enforcement discovered apparent blood evidence in the Residence, it was determined that Mr. Link would be taken to the KPD for interview by KPD Det. Green. Mr. Link had not been *Mirandized* at any time before Det. Green properly *Mirandized* him at KPD.

Upon arrival at KPD, Mr. Link was taken to an interview room and Det. Green immediately and properly *Mirandized* Mr. Link using a "participatory" *Miranda* consent form[10]. The Court's review of the video[11] of Det. Green's interview confirms that Mr. Link intelligently, knowingly and voluntarily waived his *Miranda* rights and consented to speak with Det. Green without counsel. Det. Green advised Mr. Link multiple times that he was free to end the interview at any time and simply leave. The interview lasted about two hours, Mr. Link was deprived of no comforts, nor was he coerced nor threatened in any way, nor made any promises. Mr. Link in fact ended the interview by simply walking out of the room and declining Det. Green's offer of a ride back to the Residence. At no time during the events of October 10, 2001[12], did Mr. Link evidence any signs of impairment. His answers to questions were entirely appropriate and oriented to time and space.[13] Importantly, Mr. Link is a Centerville High School graduate and attended The Ohio University in Athens for two years, subsequently working at the time of these events for a financial advisory company.

[9] State's Exhibit 4.
[10] State's Exhibit 6.
[11] State's Exhibit 5Bi-iii.
[12] Or at any earlier time Mr. Link interacted with law enforcement as previously described herein.
[13] The fact that Mr. Link had attended Ms. Anderson's funeral the day of the October 10, 2001 Residence search and Mr. Link's statements creates no inference that Mr. Link was *somehow* unable to voluntarily consent to the search or the giving of his statements.

On July 26, 2002, a Montgomery County Grand Jury returned a No True Bill in connection with Shannon Anderson's death.

But, beginning in approximately 2016, KPD Detective Stout effectively reopened investigation into Ms. Anderson's death, and on January 21, 2025, KPD searched Mr. Link's 5710 Red Coach Road home ("Red Coach Home") in Centerville, Ohio pursuant to a valid search warrant, seizing, among other items, a black trash bag found hidden in the attic under installation, containing a manila folder, a 3-ring binder labeled "Montgomery County," and a 3-ring binder labeled "Ross County" containing investigative materials from the 2001-2002 investigation, along with numerous "Lutheran Brotherhood" sticky notes in Mr. Link's handwriting.[14]

On January 13, 2025, Mr. Link was indicted herein on two counts of Murder.

During the Thursday, October 23, 2025 Hearing, Mr. Link testified regarding 1) the August 18, 2001 consent form – State's Exhibit 2, 2) the October 10, 2001 consent form - State's Exhibit 3, and 3) his handwritten notes in State's Exhibit 7. Reiterating, the Court ***expressly*** finds that Mr. Link's Hearing testimony was ***not credible*** in any material respect.

II. LAW AND ANALYSIS

In the Motion, Mr. Link seeks suppression of evidence obtained from the searches of his residence at 4516 Far Hills Ave and his vehicle on August 18, 2001 and October 10, 2001, including any statements, arguing that there was no valid consent for the searches and he was not properly *Mirandized*.

Hardly.

On a motion to suppress, the State has the burden to prove by a preponderance of the evidence that the contested evidence sought to be suppressed was lawfully obtained within any of the well-established principles and requirements of the Fourth, Fifth, Sixth, or Fourteenth Amendments to the United States Constitution.[15] The weight of the evidence and the ***credibility of the witnesses*** are matters for the trial court's determination.[16]

[14] As stipulated to by the Parties. Court's Exhibit II.
[15] *Athens v. Wolf*, 38 Ohio St.2d 237, 241 (1974).
[16] *State v. Fanning*, 1 Ohio St.3d 19, 20 (1982); *State v. Humphrey*, 2013-Ohio-40, ¶ 18 (2d Dist.).

Under the Fourth Amendment, a search absent a warrant is *per se* unreasonable, "subject only to a few specifically established and well-delineated exceptions."[17] One of those exceptions is consent.[18] In order to rely upon the consent exception, the State must show, by clear and convincing evidence,[19] that consent was voluntarily given, and was not the result of duress or coercion, express or implied.[20] "Voluntariness is a question of fact to be determined from all the circumstances."[21] Factors that may be considered include: "'(1) the voluntariness of the defendant's custodial status; (2) the presence of coercive police procedures; (3) the extent and level of the defendant's cooperation with the police; (4) the defendant's awareness of his right to refuse consent; (5) the defendant's education and intelligence; and (6) the defendant's belief that no incriminating evidence will be found.'"[22] On the facts in the instant case, none of these factors weigh in favor of finding that Mr. Link did not provide valid consent, ***nor is there a shred of evidence of duress or coercion***.

Thus, the Court finds that Mr. Link provided valid, voluntary consent for the August 18, 2001 and October 10, 2001 searches, and any fruit of those searches ***will not be suppressed***.

Next, the Court will consider Mr. Link's statements in the context of *Miranda v. Arizona*, 384 U.S. 436 (1966).

The Fifth Amendment to the United States Constitution sets forth the privilege against self-incrimination– that no person may be compelled in any criminal case to be a witness against himself. *Miranda* requires police to provide a suspect the well-known prescribed warnings before custodial interrogation commences, which is to say "… questioning initiated by law enforcement officers after a person has been taken into custody or otherwise deprived of his freedom of action in any significant way.'"[23] Thus, police are only required to issue the *Miranda* warnings when a suspect ***is both in custody and subject to interrogation***.[24]

"Custodial interrogation is measured by an ***objective standard***, not by the subjective understanding of the suspect."[25] Thus, "the determination of whether a custodial interrogation has occurred requires an inquiry

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[17] *Katz v. United States*, 389 U.S. 347, 357 (1967).
[18] *Schneckloth v. Bustamonte*, 412 U.S. 218, 219 (1973), citing *Davis v. United States*, 328 U.S. 582, 593-594 (1946) and *Zap v. United States*, 328 U.S. 624, 630 (1946).
[19] *State v. Connors-Camp*, 2006-Ohio-409, ¶ 29 (2d Dist.).
[20] *Schneckloth*, 412 U.S. at 248.
[21] *Id.* at 248-249.
[22] *State v. Forrester*, 1998 Ohio App. LEXIS 356, *10-11 (2d Dist. Feb. 6, 1998), quoting *United States v. Shabazz*, 993 F.2d 431, 438 (5th Cir.1993).
[23] *City of Cleveland v. Oles*, 2017-Ohio-5834, ¶ 9, quoting *Miranda v. Arizona*, 384 U.S. 436 (1966).
[24] *State v. Neyland*, 2014-Ohio-1914, ¶ 119, citing *Miranda* at 444.
[25] *State v. Isaac*, 2004-Ohio-4683, ¶ 14 (2d Dist.).

into 'how a reasonable man in the suspect's position would have understood his situation.'"[26] The Ohio Supreme Court has said "[f]or purposes of the constitutional privilege against self-incrimination, the test is not whether the individual feels free to leave but whether the situation 'exerts upon a detained person pressures that sufficiently impair his free exercise of his privilege against self-incrimination to require that he be warned of his constitutional rights.'"[27] The main issue is "'simply whether there is a formal arrest or restraint on freedom of movement of the degree associated with a formal arrest.'"[28]

If custodial interrogation continues in the absence of an attorney after the officer has given the warnings, the State has the burden of proving by a preponderance of the evidence that a defendant "knowingly and intelligently waive[d] these rights and agree[d] to answer questions or make a statement."[29] "To determine whether a suspect knowingly, intelligently, and voluntarily waived his *Miranda* rights, courts examine the ***totality of the circumstances***."[30] Among the factors courts consider are a defendant's "'age, mentality, and prior criminal experience of the accused; the length, intensity, and frequency of interrogation; the existence of physical deprivation or mistreatment; and the existence of threat or inducement.'"[31]

The Court finds that because Mr. Link was not in custody before being taken to be interviewed at KPD, law enforcement was not required to inform Mr. Link of his *Miranda* rights. Further, the Court finds that Mr. Link knowingly, voluntarily, and intelligently waived his *Miranda* rights during his interview with Det. Green at KPD.

Therefore, the Court ***will not suppress Mr. Link's statements***.

III. CONCLUSION

Based on the foregoing, the Court **OVERRULES** Mr. Link's October 1, 2025 Amended Motion to Suppress in its entirety.

SO ORDERED:

JUDGE STEVEN K. DANKOF

[26] *Id.* at ¶ 21, quoting *Berkemer v. McCarty*, 468 U.S. 420, 442 (1984), emphasis added.
[27] *City of Cleveland v. Oles*, 2017-Ohio-5834, ¶ 31, quoting *Berkemer v. McCarty*, 468 U.S. 420, 437 (1984).
[28] *Id*., quoting *California v. Beheler*, 463 U.S. 1121, 1125 (1983).
[29] *Miranda v. Arizona*, 384 U.S. 436 (1966).
[30] *State v. Barker*, 2016-Ohio-2708, emphasis added.
[31] *State v. Verdell*, 2018-Ohio-4766, ¶ 32 (2d Dist.), quoting *State v. Edwards*, 49 Ohio St.2d 31 (1976), paragraph two of the syllabus, *overruled on other grounds*, 438 U.S. 911 (1978).

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