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

STATE OF OHIO Plaintiff, vs. **JONATHAN ERIC LINK** Defendant.	:	**CASE NO. 2024 CR 03226** **JUDGE STEVEN K. DANKOF** **STATE'S PRE-HEARING RESPONSE TO DEFENDANT'S MOTIONS TO SUPPRESS**

The State of Ohio, by and through the office of the Prosecuting Attorney of Montgomery County, hereby provides its Pre-Hearing Response to Defendant's Motion to Suppress in advance of the hearing scheduled for October 23, 2025. For the reasons set forth in the attached memorandum and as presented at the October 23. 2025 hearing, the State respectfully requests this Court OVERRULE Defendant's Motions to Suppress.

Respectfully submitted,
MATHIAS H. HECK, JR.
PROSECUTING ATTORNEY

By: /s/ Lynda A. Dodd
Lynda A. Dodd, #0068551E

By: /s/ Jacob P. Mosher
Jacob P. Mosher, #0093799E

By: ____/s/ Richard Smith_____
RICHARD SMITH, #0104863E

Assistant Prosecuting Attorneys
Montgomery County Prosecutor's Office
301 W. Third Street, 5th Floor
Dayton, OH 45422
(937) 225-5757

MEMORANDUM

I. CASE HISTORY

This matter is before the Court on Defendants Motions to Suppress. At the Motion to Suppress hearing set on October 23, 2025 the State anticipates the facts will be as follows:

On Monday July 30, 2001 Kettering Patrol Officer Root responded to a request for service at 4516 Far Hills, wherein Eric Link reported that his girlfriend Shannon Anderson had left the residence on 7/28/01 and had not returned for her children ages 7 and 9. Link advised that he had called Children Services and they had advised him to make a police report. Patrol Officer Root took the report and provided Link with victim resource information. (State's Ex. 1)

On August 7, 2001 Det. Driscoll contacted Link at his residence. Shannon Anderson was still missing and Det. Driscoll was gaining additional information to assist in searching for her. On August 17, 2001 Ross County notified Kettering Police Department that an unidentified deceased, decomposed body had been located. At that time Kettering Police did not yet have a DNA sample of the missing Ms. Anderson to compare to the deceased. Therefore on, August 18, 2001 Kettering Detectives Driscoll, Green and Simoni went to the Link residence to see if consent could be obtained to allow the search for items that may contain the known DNA of Shannon Anderson. Link signed a consent to search form. (See State's Ex. 2) Items that could have Shannon Anderson's DNA were collected.

The body that had been found in Ross County was identified as Shannon Anderson on October 1, 2001. On October 10, 2001 Ross County officers, Kettering officers and Annette Davis from the Miami Valley regional crime laboratory went to the Link residence. Link was present and again another consent to search which listed as the authorized searchers, "Det. S. Driscol, Simoni, Winters, Young, Sgt. Rhea, Anette Davis (MVRCL), Ross County Detectives." Link signed the form. (State's Ex. 3) The search began. At some point during the search of the interior of the residence, Det. Driscoll also obtained a search warrant. Prior to submitting the search warrant for signature, the warrant was reviewed and approved by then city prosecutor, Jim Long. The Search Warrant extended the search to the curtilage of the property, where Defendant's van was located. (State's Ex. 10)

While the search occurred inside the residence, Ross County Sgt. Wheaton invited Link, unhandcuffed, into the front seat of his unmarked vehicle. At that time, Sgt. Wheaton spoke with Link, this contact was audio recorded. (State's Ex. 5A) As he was not in custody, rights were not read at that time.

Later that same night, Link met with Det. Robert Green at the Kettering police Department. The interview was recorded. (State's Ex. 5 B I, B ii, B iii) Although Defendant was advised several times he is free to go, Det. Green nonetheless provided Link his *Miranda* right, and a Rights form is executed. (State's Ex. 6) The interview continues until 33:32 of State's Ex. 5B iii when he asks if he is free to go. At that time Det. Green begins to collect his material. Link then voluntarily briefly continues the conversation saying "I appreciate you bringing it all to light" and then continues to engage in conversation until he is ready to leave. He then walked out of the room on his own accord at State's Ex. 5B iii, 37:45.

After the interview ended Link walked from the police station. The following day his sister contacted law enforcement, ultimately asking for a welfare check voicing concerns about Link's safety. Based on that call Kettering Detectives, including Green and Simoni, obtained a key to the residence from the landlord, entered the home and found Defendant in a locked bathroom, with self-inflicted suicide-type injuries, and medics were called. Defendant made no statements at that time. This entry into the home has not been challenged.

With respect to the searched vehicle, during the execution of the search warrant a vehicle was located on the property of the Link residence. That vehicle was towed and maintained securely until searched the next day, October 11, 2001, by Annette Davis of the Miami Valley Crime Laboratory. Annette Davis, a forensic scientist, noted a strong scent of deodorizer in the rear cargo area of the van, along with a characteristically putrid odor. The van was processed, and traces of suspected blood were collected. On October 16, and 17, 2001, cadaver dogs were brought and separate and apart from each other, when the door was opened, the dogs alerted to the rear of the blue van.

The case was presented to Grand Jury in 2002 and a no true bill resulted. Based upon additional investigation the case was re-initiated. On January 13, 2025, Defendant was indicted on one count of Murder (purposeful), in violation of 2903.02(A), an Unclassified Felony, and one count of Murder (proximate result), in violation of 2903.02(B), also an Unclassified Felony.

Defendant's first "Motions to Suppress Evidence from Warrantless Search August and October 2001" was filed September 15, 2025 in which he challenges the voluntariness of any consent. On September 25, 2025 Defendant filed a second "Motion to Suppress Evidence from Warrantless Searches August and October 2001" wherein he challenges the searches of Defendant's residence, with respect to voluntary consent. The motion further challenges the

Search Warrant as fruit of the poisonous tree. A third, Amended Motion to Suppress was filed October 1, 2025 wherein the voluntariness of the consent challenge is repeated. Defense additionally seeks to suppress Statements by Defendant.

Since the filing of the motion, Court and counsel met to discuss the parameters of the upcoming hearing. Counsel confirmed the statements being challenged were those made to law enforcement prior to or near in time to the 2002 Grand Jury.

Finally, Defendant seeks to have the case dismissed, or evidence suppressed, with respect to binders that were found subsequent to Defendant's 2025 indictment as evidence obtained contains alleged Attorney/Client privilege materials. Testimony will establish that binders of materials were found during a search warrant search of Defendant's home. The binders were located in an attic, under insulation. They appeared to contain discovery-related materials from the 2002 investigation and thus were collected. There are handwritten notes within the binders. Defendant claims this is attorney client privilege.

As will be shown at the Motion to Suppress and as is set forth in this motion, the August and October 2002 searches of the residence were wholly within the mandates of the constitution. Defendant, who had called the police to investigate to begin with, provided voluntary consent on both occasions, and a search warrant was obtained as an extra measure for the October search. Moreover, the interviews were non-custodial, and the interview at the police station included Miranda advisements. As set forth below, the burden will be on Defendant to establish this is a communication, and that the privilege applies.

As such the State will be asking for all of these motions to be overruled.

II. Searches

A. Consent Searches of Link's Residence.

The August and October 2001 searches of Link's residence, were done with Defendant's written and voluntary consent. A warrantless search is per se unreasonable, subject to several specifically established exceptions. *State v. Thomas*, 2011-Ohio-1292, ¶ 15 (2d Dist.) (citing *Katz v. United States*, 389 U.S. 347, 357 (1967)). One such exception is a search pursuant to voluntary consent. *Schneckloth v. Bustamonte*, 412 U.S. 218, 222 (1973). Whether a consent to search was voluntary is "a question of fact to be determined from the totality of all the circumstances." *Id.* at 227. Knowledge of one's right to refuse a search is merely one factor for consideration, it is not a strict requirement for effective consent. *Id.*

The State has the burden of proving by clear and convincing evidence that consent was freely and voluntarily given. *State v. Stanaford*, 2019-Ohio-1377, ¶ 25 (2d Dist.) (citing *Schneckloth*). A written waiver, signed by a defendant, granting law enforcement consent to conduct a warrantless search "is strong proof that the waiver was valid." *Id.* at ¶ 26; *State v. Mayberry*, 2014-Ohio-4706, ¶ 17 (2d. Dist.); *State v. Jackson*, 2012-Ohio-5548, ¶ 35 (5th Dist.).

The initial August 18, 2001 search was done pursuant to a valid consent. Law enforcement had first responded to Link's address because he had reached out for help regarding the missing Ms. Anderson and her children that he claimed were abandoned. She was still missing on August 18, 2001, and an unknown deceased body had been located in Ross County. To assist their efforts to locate or identify the missing Ms. Anderson, three Kettering Police Department detectives went to Defendant's residence located at 4516 Far Hills Avenue with the hope to collect items that would have Shannon Anderson's DNA.

Detective Driscoll, KPD, explained the voluntary search form to Defendant at that time and Defendant signed it. The voluntary consent-to-search form is prominently labeled "PERMISSION TO SEARCH WITHOUT A SEARCH WARRANT" and bears Defendant's name, the 4516 Far Hills address, the names of the three detectives present who would participate in the search and the date "8/18/01," Defendant signed the form authorizing the search, and that form State's Exhibit 2 will be provided for the Court's inspection. His signature and consent were given voluntarily, and no threats or promises of any kind were made. The search was confined to locating items that could contain Ms. Anderson's DNA.

After the body recovered in Ross County was identified as Ms. Anderson, law enforcement returned to Link's residence. Kettering officers, Ross County Officers and Annette Davis from Miami Valley Regional crime laboratory arrived. Det. Driscoll met with Link and a second consent form was explained and executed. Again, the form is prominently labeled "CONSENT TO SEARCH" and bears Defendant's name, Defendant's address, and the date. Listed as authorized searchers are Kettering and Ross County officers, and Annette Davis (MVRCL). The form explicitly states that Defendant has been informed of his right to refuse consent, Defendant is authorizing the police to search his residence without a warrant. Link signed the form voluntarily and no threats or promises of any kind were made.

After the search began, out of an abundance of caution, Det. Driscoll also got a search warrant. The warrant and affidavit were reviewed by the city prosecutor prior to being presented to Judge Robert Moore. However, it is important to note that during the entire time of the search, Defendant was in the presence of law enforcement and never revoked his consent to search his residence. During Link's interview with Det. Green, he is shown polaroid photos from the search, even then, Link does not revoke his consent for the search.

This evidence is more than sufficient for the State to carry its burden of proving by clear and convincing evidence that Defendant freely and voluntarily consented to the August and October 2001 searches of his residence.

B. **Search Warrant and Automobile Exception**

The State notes that the defendant's vehicle was not included in the written consent. However, the search warrant included the residence and the curtilage of the residence which is where the vehicle was located.

"A search warrant enjoys a presumption of validity; when a defendant's motion to suppress attacks the validity of a search conducted under a warrant, the defendant bears the burden of proof." *State v. Carter*, 2011-Ohio-6700, ¶ 11 (2d Dist.). The duty of a court reviewing an affidavit submitted in support of a search warrant "is simply to ensure that the magistrate had a substantial basis for concluding probable cause existed." *Id.* at ¶ 10. Reviewing courts "should accord great deference to the magistrate's determination of probable cause, and doubtful or marginal cases in this area should be resolved in favor of upholding the warrant." *Id.*

Where an officer acts objectively reasonably in relying on a warrant that is later determined to lack probable cause, the good faith exception will prevent the exclusionary rule from suppressing the evidence. *State v. Schubert*, 2022-Ohio-4604, ¶ 9; *see United States v. Leon*, 468 U.S. 897, 922-923 (1984). The good faith exception will not apply where "the affidavit supporting the warrant is so lacking in indicia of probable cause as to render official belief in its existence entirely unreasonable." (internal quotes omitted) *Schubert*, at ¶ 9 (quoting *Leon*).

A warrant is an invalid "bare bones" warrant if it "fails to establish a minimally sufficient nexus between the item or place to be searched and the underlying illegal activity." *Id.* The burden of establishing a "minimally sufficient nexus" is easily met however, as even "some connection,

regardless of how remote it may have been—some modicum of evidence, however slight—between the criminal activity at issue and the place to be searched" is sufficient for the good faith exception to apply. (quotation cleaned up) *United States v. White*, 874 F.3d 490, 497 (6th Cir. 2017); *Schubert*, at ¶ 12.

In this case, Defendant does not challenge the sufficiency of the probable cause for the warrant, but indicates the warrant should fail as it contains details from the consensual search, and is thus fruit of the poisonous tree. As the search was initiated pursuant to a valid consent, that argument must fail.

The search of the vehicle was also justified by the automobile exception to the Fourth Amendment's warrant requirement. The automobile exception allows police to "conduct a warrantless search of a vehicle if there is probable cause to believe that the vehicle contains contraband, and exigent circumstances necessitate a search or seizure." *State v. Moore*, 2012-Ohio-4315, ¶ 13 (2d Dist.). Where a vehicle is "readily mobile," police do not need any other exigency to justify a search based upon probable cause, but mobility is not strictly required. *Id.*; *see Michigan v. Thomas*, 458 U.S. 259 (1982) (holding that precluding a warrantless probable cause search of an automobile because of an absence of exigent circumstances was "plainly inconsistent" with Supreme Court precedent); *United States v. Johns*, 469 U.S. 478 (1985) ("A vehicle lawfully in police custody may be searched on the basis of probable cause to believe that it contains contraband, and there is no requirement of exigent circumstances to justify such a warrantless search."); *Maryland v. Dyson*, 527 U.S. 465 (1999) ("[T]he 'automobile exception' has no separate exigency requirement." Probable cause is enough to search a vehicle that is "readily mobile.").

While the mobility of automobiles was the original justification for the exception, "warrantless searches of vehicles . . . have been sustained in cases in which the possibilities of the vehicle's being removed or evidence in it destroyed were remote, if not nonexistent." *Cady v. Dombrowski*, 413 U.S. 433, 441-42 (1973); *see Harris v. United States*, 390 U.S. 234 (1968); *Chambers v. Maroney*, 399 U.S. 42 (1970); *Texas v. White*, 423 U.S. 67 (1975); *Michigan v. Thomas*, 458 U.S. 259 (1982); *Florida v. Meyers*, 466 U.S. 380 (1984); *see also United States v. Johns*, 469 U.S. 478 (1985) (holding that, where probable cause existed to search a vehicle and the containers therein at the time they were seized, a warrantless search of those containers three days later does not violate the Constitution because "there is no requirement that the warrantless search of a vehicle occur contemporaneously with its lawful seizure"). "The immobilization of the vehicle . . . does not remove the officers' justification to conduct a search pursuant to the automobile exception." *State v. Russell*, 2004-Ohio-1700, ¶ 34 (2d Dist.); *Moore*, at ¶ 13; *State v. Warnick*, 2020-Ohio-4240, ¶ 30 (2d Dist.). "[T]he critical inquiry is whether the vehicle was readily mobile at the time of the stop." *State v. Mackey*, 1997 Ohio App. LEXIS 5952, *11 (2d Dist.); *State v. Parson*, 1997 Ohio App. LEXIS 1085, *5-6 (2d Dist.).

In order to search a vehicle pursuant to the automobile exception, police officers "must have a lawful right of access to a vehicle," and "[t]he automobile exception does not afford the necessary lawful right of access to search a vehicle parked within a home or its curtilage . . . ." *Collins v. Virginia*, 584 U.S. 586, 596 (2018). Thus, the automobile exception does not permit "a warrantless intrusion on a home or its curtilage." *Id.* at 601. Rather, that intrusion must be justified by either a search warrant or a valid warrant exception, such as consent. *Cf. id.* (The Supreme Court noted that the exigent circumstances exception to the warrant requirement would be one possible justification for the warrantless intrusion onto the defendant's curtilage.). But the *Collins*

bright-line rule was established in 2018, seventeen years after the events of this case. In 2001, the law was different. Thus, the good faith exception to the exclusionary rule is relevant.

C. Good Faith Exception

The exclusionary rule exists to "safeguard Fourth Amendment rights generally through its deterrent effect" on government misconduct. *Herring v. United States*, 555 U.S. 135, 139-40 (2009) (quoting *United States v. Calandra*, 414 U.S. 338, 348 (1974)). Because deterrence is a primary goal of the rule, "the extent to which the exclusionary rule is justified . . . varies with the culpability of the law enforcement conduct." *Id.* at 143. Thus, "evidence should be suppressed 'only if it can be said that the law enforcement officer had knowledge, or may properly be charged with knowledge, that the search was unconstitutional under the Fourth Amendment.'" *Illinois v. Krull*, 480 U.S. 340, 348-49 (1987) (quoting *United States v. Peltier*, 422 U.S. 531, 542 (1975)).

The good faith exception to the exclusionary rule applies where an officer collects evidence based on a "good-faith reliance upon a facially valid warrant" and where an officer acts "appropriately based on existing precedent, but the law in the mean time change[s] course." *State v. Dickman*, 2015-Ohio-1915, ¶¶ 23-24 (10th Dist.); *see United States v. Leon*, 468 U.S. 897 (1984); *Davis v. United States*, 564 U.S. 229 (2011).

In this case there is no inappropriate conduct of officers with respect to the search of the home or the vehicle. Rather, law enforcement took extra steps to ensure Link's rights were protected. Both searches of the residences were based on signed consents. The forms even specify the parties who will be conducting the search. Link, signed the forms and provided consent freely and voluntarily. Nor was there any reason to believe he would not sign the consent, as he was the one who had originally notified the police that Shannon Andrson had gone missing and had left her children.

Even with consent on the October date, law enforcement took the additional measure of seeking a search warrant for the home and vehicle. The search warrant is facially valid, and the officers certainly under the totality of the circumstances could rely on good faith that was based upon that warrant, and consent that they were authorized to conduct the searches of the residence and vehicle.

D. 2025 Seizure of Binders

Link also seeks to suppress the seizure of binders in 2025, for the sole reason that he claims these contain privileged Attorney-Client Communications. As will be established at the motion hearing, after Defendant's indictment and arrest in 2025, a search warrant was obtained for his residence. During that search, in an attic, under insulation, binders were located that appeared to contain materials relating to the 2001/2002 investigation into Ms. Anderson's disappearance and death. Those items were seized and will be presented for this Court's review.

Upon review of those items, it appears that these were discovery documents from the original investigation with hand-written notes appearing throughout the binders. The notes are not dated and there is no indication from the face of these materials that these notes were intended for communication with anyone.

Ohio Revised Code 2317.02(A)(1), cited by Defendant, on its face applies to testimony. However as discussed in *Maddox v. Board of Comm'rs* 2014-Ohio-1541 the Ohio Supreme Court has interpreted that more broadly applying it to any communication directly between an attorney and client. *Citing Jackson v. Greger* 2006-Ohio-4968. Where attorney-client privilege is claimed, the burden of establishing the privilege rests on the party claiming the privilege. *State v. Tench* 2018-Ohio-5205

There are no facts on the face of these documents that would meet that burden. If evidence is provided that suggests privilege exists, the State reserves the right to brief that issue based upon the presented testimony.

III. **Statements**

Similarly, law enforcement complied with the Constitutional mandates with respect to Link's statements. "*Miranda* warnings are required only when police conduct a custodial interrogation." *State v. Logsdon*, 2025-Ohio-298, ¶15 (2d Dist.). A custodial interrogation occurs when a suspect is taken into custody by law enforcement or is deprived of their freedom of action in a significant way. *Id.* Whether a custodial interrogation has occurred is a "fact-specific inquiry that asks whether a reasonable person in the suspect's position would have understood himself or herself to be in custody while being questioned." *Id.* at ¶16. A non-exhaustive list of factors for courts to consider in making this determination include the physical surroundings, the number of officers present, the conduct and demeanor of police, the degree of physical restraint imposed, and the duration and character of the interview. *Id.* at ¶17.

Regardless of whether a custodial interrogation has occurred, the Due Process Clause requires that a defendant's will not be "overborne by the circumstances surrounding the giving of his confession." *State v. Kelly*, 2005-Ohio-305, ¶10 (2d Dist.). Courts consider the "totality of the surrounding facts and circumstances" to make this determination, and factors for consideration include "the age, mentality, and prior criminal experience of the accused; the length, intensity and frequency of the interrogation; the existence of physical deprivation or mistreatment; and the existence of threats of inducements." *Id.*

Where *Miranda* rights are waived, the State has the burden of proving by a preponderance of the evidence that the waiver was done "knowingly, intelligently, and voluntarily." *State v.*

Hutchinson, 2010-Ohio-5752, ¶9 (2d Dist.); *State v. Western*, 2015-Ohio-627, ¶16 (2d Dist.). Once that burden has been met, the burden shifts to the defendant who must prove their statements were nonetheless involuntary. *Hutchinson*, at ¶9.

Throughout the investigation into the disappearance of Ms. Anderson, Defendant has had voluntary conversations with law enforcement and has voluntarily participated in consensual interviews with police. Defendant was not in custody, not in handcuffs, and never informed he was being arrested in any of these 2001 encounters. In fact Defendant was never taken into custody until 2025.

As the State will show at the hearing, the interview with Ross County, occurred in an unmarked vehicle. It is a very low-key conversation, there are no threats or promises made. Link was not locked in the vehicle and could have left at any time. Rather than coerced, Link is providing the appearance of trying to help law enforcement try to understand what happened to Shannon Anderson. He even indicates he will answer questions later if needed.

Later that same night, he is interviewed by Det. Bob Green at the Kettering Police Department. At the outset of that interview, he was given his *Miranda* rights and it was clear from conversation that he understood his rights. He is educated, well-spoken and demonstrates no difficulties communicating. He also understood that the interview was completely voluntary. Not only was Link told several times he could leave at any time, he actually attempts to end the interview and leave, demonstrating his understanding and belief that the interview was voluntary.

Because Defendant was given *Miranda* warnings and had a genuine belief that the interview was voluntary and that he could leave at any time, his statements made should not be suppressed.

IV. Conclusion

For all of these reasons, Defendant's motion should be overruled in its entirety.

Respectfully submitted,
MATHIAS H. HECK, JR.
PROSECUTING ATTORNEY

Respectfully submitted,
MATHIAS H. HECK, JR.
PROSECUTING ATTORNEY

By: /s/ Lynda A. Dodd
Lynda A. Dodd, #0068551E

By: /s/ Jacob P. Mosher
Jacob P. Mosher, #0093799E

By: **/s/** Richard Smith
RICHARD SMITH, #0104863E

Assistant Prosecuting Attorneys
Montgomery County Prosecutor's Office
301 W. Third Street, 5th Floor
Dayton, OH 45422
(937) 225-5757

CERTIFICATE OF SERVICE

I hereby certify that a copy of the aforesaid Response was electronically filed via the Court's authorized electronic filing system which will send notification of this filing to Attorney for the Defendant, on the date same was e-filed.

By: _/s/ Lynda A. Dodd_____
Lynda A. Dodd, #0068551E