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MAHONING COUNTY PROSECUTOR'S OFFICE FILES OBJECTIONS URGING OHIO PAROLE BOARD TO DENY PAROLE TO JAMES JONDA, BRYAN BENNETT, DENICHOLAS STOUTMIRE, CLIFFORD MILES, JAMES HUFF, AND FREDERICK RICE

Inmate James Jonda

(Youngstown, OH) May 23, 2023 - Prosecutor Gina DeGenova filed objections urging the Ohio Parole Board to deny parole to Inmate James Jonda, Inmate No. A221651. Jonda was sentenced to 15 years to life for the murder of Steven "Tipper" Fukon on June 11, 1989. He was also sentenced to concurrent sentences of 8 to 15 years on three counts of felonious assault and 2 years for carrying a concealed weapon. Jonda's conviction was the result of a plea agreement executed between the parties in March, 1990.

Steven Fukon ("Fukon") lost his life because he was dating Jonda's ex-girlfriend. Jonda and Donna Brown lived together in a *common-law* marriage from 1984 until 1989. During this time, the couple had a son. In December, 1989, Ms. Brown, along with her son, moved out of the couple's home and in with Mr. Fukon. Brown's relationship with Fukon caused Jonda much distress. During the months leading up to Mr. Fukon's death, Jonda made numerous threats to Fukon and others. In addition, police reports also note that a charge for criminal damaging was pending against Jonda for breaking windows at Fukon's business at the time of his death. In addition, Fukon met with Struthers City Prosecutor regarding allegations that Jonda shot at Fukon on May 18, 1989, less than one month before Jonda shot and killed Fukon.

On the day of the shooting, Brown and her son were at her mother's house located at 421 McGaffney Street in Lowellville, OH. Jonda showed up at this residence and had to be removed by police. This same day, Brown was advised by Fukon that Jonda chased him from Lowellville Road to his yard in Youngstown. Fukon also advised Brown that Jonda had been calling him all day and warned him not to go to Lowellville or he would be killed. Fukon advised Brown to stay in her mother's house with the door locked. A short time later, Brown heard what she believed to be a gunshot and Fukon calling her name for help. Brown ran outside and found Fukon lying in the front yard of her mother's home. Inspection of the crime scene revealed that Fukon had been shot one time in the abdomen as he was exiting or standing at the driver's door of his vehicle.



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Jonda was indicted by the grand jury on or about July 11, 1989, on one count of aggravated murder with a firearm specification, three counts of felonious assault, one count of carrying a concealed weapon and one count of drug abuse. Just prior to the commencement of a hearing on his motion to suppress, a plea agreement was reached. Under this plea agreement, Jonda plead guilty to one count murder, three counts of felonious assault and one count of carrying a concealed weapon. The aggravated murder charge was reduced to murder and the charges for drug abuse and several firearms specifications were dropped.

While Jonda has been incarcerated for over 23 years, his behavior throughout his incarceration continues to demonstrate a lack of respect for authority. According to his Institutional Summary Report, Jonda has been charged with 45 rule infractions/disciplinary matters, including several for fighting with other inmates. He has received no coupons or certificates for good behavior and completed only 12 programs. Given Jonda's well-documented history of disobedience, Prosecutor DeGenova urged the Board to deny Jonda's parole.

Inmate Bryan Bennett

Prosecutor Gina DeGenova filed objections urging the Ohio Parole Board to deny parole to Inmate Bryan D. Bennett, Inmate No. A356617. Bennett was found guilty after a trial by jury and sentenced to life in prison for the repeated rape of a 10-year-old boy for whom he stood in *loco parentis*.

Bennett is a sexual predator who should remain behind bars. In 1995, a 10-year-old boy moved in with Bennett and his wife for approximately 3-4 months. The boy ended up at the Bennett residence because boy was removed from his parents' home and Bennett knew the boy's family. While no court proceeding ever formally appointed Bennett as the boy's foster parent, the boy often referred to Bennett as his "foster father." Bennett's wife worked nights, often leaving Bennett home alone with the boy. On various occasions, Bennett would invite the boy into his bedroom to watch television. It was during these bedroom visits that Bennett sexually assaulted the boy.

Bennett was convicted by a jury of rape; a sexually oriented offense. Subsequently, the Court declared Bennett a sexual predator under R.C. 2950.09 (in effect at the time) after it made the following findings:



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- That Bennett was a fully developed, mature man at the time of the offense he committed against an innocent, helpless child, 10 years of age;
- That the offense was committed while Bennett was in a position of *loco parentis* with the victim, and that he forced the victim to submit to him by force or threat of force and that the acts were committed with cruelty against the victim;
- That Bennett engaged in a continuing course of criminal conduct, in that he repeatedly raped the subject child in his home while Bennett's wife was at work;
- That based upon psychological reports, Bennett attempted to mislead the examiner during the psychological examinations, making an accurate evaluation of him impossible; and
- There is clear and convincing evidence that Bennett will likely engage in this type of conduct in the future upon his release.

To date, Bennett has served over 25 years in the penitentiary for his crimes. However, the depravity of his crime against a 10-year-old boy coupled with Bennett's likelihood to re-offend demonstrates that the only way to keep society safe from Bennett is through his continued incarceration. According to a letter written by former Assistant Prosecutor, Charissa Payer to the Ohio Parole Board in 1998, Bennett was described as a dangerous and deceptive man who would pose a threat to society if he were released from prison. Ms. Payer noted that Bennett uses his church devotion to hide, continues to deny his actions and blames everyone else. She strongly recommended that Bennett be imprisoned for the entire life term.

Prosecutor DeGenova objected to Bennett's release, stating "[W]hen considering the above factors, it is clear that no circumstance can justify Bennett's release from prison. Bennett repeatedly raped a 10-year-old little boy who trusted Bennett to take care of him. Bennett, who served as a parental figure to this child, stole his innocence and ripped away his childhood for his own depraved needs, then lied about it. He was labeled a sexual predator by the Court after clear and convincing evidence demonstrated that, if released, Bennett would re-offend. Such factors do not depict a man who would become a productive member of our society if released. Rather, they describe a monster who needs to remain behind bars for the betterment of our community."



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Inmate Denicholas Stoutmire

Prosecutor Gina DeGenova filed objections urging the Ohio Parole Board to deny parole to Inmate Denicholas Stoutmire, Inmate No. A330787. Stoutmire was found guilty after a trial by jury on September 24, 1996, of one count of complicity to commit the aggravated murder of 3-year-old Jessica Ballew—along with a firearm specification and three counts of complicity to commit attempted aggravated murder with firearm specifications. He was sentenced to *consecutive* terms of imprisonment, including a life sentence, for these convictions.

On June 10, 1996, members of the Bloods, opened fire on members of the Crips, a rival gang. Edward McGaha, an affiliate of the Crips, was injured. After McGaha was treated and released from the hospital, he, along with fellow members of the Crips, including Stoutmire, plotted their revenge against the Bloods. Their plan called for the murder of Richard Miles, aka “Boom”, who was believed to be the primary perpetrator in the earlier attack.

To carry out their plan, members of the Crips stole two vehicles and borrowed a third in order to search the streets for Bloods. Stoutmire drove one of the vehicles, containing three other Crips members, including Sidney Cornwell. Stoutmire stopped the vehicle in front of an apartment on Oak Park Street, where several people were sitting on the porch. Cornwell asked these individuals if Boom was inside, to which they responded, no. Cornwell then shouted, “Tell Boom this” and opened fire on the house. Three adults were shot and injured, while 3-year-old Jessica Ballew was shot in the face and killed. Little Jessica was on the porch at the time to ask for a drink of water.

Stoutmire’s Institutional Summary Report is unremarkable. After serving over one quarter of a century in the penitentiary, Stoutmire has completed very few programs and activities and received no coupons or certificates for positive behavior. On the other hand, he has been disciplined for several rule infractions.

Due to the aggravating circumstances surrounding Stoutmire’s convictions, DeGenova told the Parole Board that “releasing Stoutmire into society would not further the interest of justice nor be consistent with the welfare and security of society.” Prosecutor DeGenova further stated, “[w]hile Stoutmire did not pull the trigger, he drove the shooter to the scene, fled the scene after shots were fired and went into hiding. Moreover, according to witness testimony produced during trial, Stoutmire knew there was a plan to kill that night and, further, that two of the car’s occupants had guns on them. Thus, Stoutmire himself put in motion a sequence of events that led to three people being shot and the death of a three-year old little girl who was shot in the face while asking for a drink of water. Certain crimes justify life imprisonment and this is one of them.”



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Inmate Clifford Miles

The Prosecutor's Office, through Criminal Chief Ralph Rivera, filed objections urging the Ohio Parole Board to deny parole to Inmate Clifford Miles, Inmate No. R118855. Miles is a lifelong career criminal having been convicted of a multitude of violent crimes in Ohio and New York from 1982 through 1996.

Miles' criminal history begins in the State of New York in 1978 at 16 years old, whereby he was arrested for several theft offenses. Thereafter, he was arrested for a series of other crimes including petit larceny, possession of stolen property, and criminal trespass. He was subsequently arrested when he was 17 years old for petit larceny and harassment, for which he received a conditional discharge. At 18 years old, he was arrested for rape, but this case was dismissed in 1979. After this dismissal, Miles continued his criminal behavior incurring five separate arrests for various offenses.

In or about 1980, Miles moved to Ohio, where he continued his criminal activity. In 1980, he pleaded guilty to one count of burglary. The trial court suspended his sentence of 2-15 years in prison, and placed him on 2 years of probation. Then, in 1982, Miles pleaded guilty to one count of burglary. Since his 1981 burglary conviction served as violation of his probation in his earlier case, the trial court imposed the sentence of 2-15 years in prison. Miles was released on parole on April 9, 1982, and returned to New York. Between the years of 1982 and 1995, Miles continued to rack up arrests in New York.

In 1995, Miles stabbed a home health care worker, who was hired by Miles to assist him with his two young daughters, with a knife and screwdriver 28 times and repeatedly raped her. On or about April 2, 1996, Miles pleaded guilty to one count of attempted murder in the Bronx County Supreme Court and was sentenced to a 10-20 year indeterminate term of incarceration. At some point in 2015, Miles was released from prison in New York and sent to Ohio to serve the remainder of his sentence for his 1981 burglary conviction and probation violation. It is from this sentence that Miles is up for parole.

Miles' history within the Ohio DRC demonstrates a lack of respect for rules or authority. Since September, 2015, Miles has had 18 rules infractions, 14 of which occurred in the last 5 years. While incarcerated in New York, Miles received 32 Tier II (moderate severity) and 10 Tier III (high severity) infractions. He was also found guilty of 3 sexual violations against inmates. In fact, Miles served approximately 1,204 days, or over 3 years, of his New York sentence in some disciplinary-related housing.



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Due to these aggravating circumstances, Chief Rivera stated “given the fact that [Miles] had previously been released on parole *before*, but violated the terms and conditions of his parole, ‘the release of the inmate into society would create undue risk to public safety and/or would not further the interest of justice nor be consistent with the welfare and security of society; * * *.’”

Inmates James Huff and Frederick Rice

The Prosecutor’s Office, through Criminal Chief Ralph Rivera, filed objections urging the Ohio Parole Board to deny parole to Inmates James Huff, Inmate No: A550534 and Frederick Rice, Inmate No. A522952. Huff and Rice were both convicted and sentenced to an 18-years-to-life prison terms for the August 9, 2005 murder and aggravated burglary of James Rowles in Youngstown, Ohio.

On or about August 8, 2005, Co-Defendants James Huff, Jimmy Davenport, and Frederick Rice met at Huff’s home where they began to consume alcohol and illegal narcotics. Davenport began to inquire about the home next door, and the three came up with a plan to break into and rob the next door neighbor, James Rowles. Huff grabbed his own .22 caliber firearm, while Davenport asked Rice if he could use Rice’s 9x19mm firearm. Rice agreed and gave Davenport the 9x19.

In the early morning hours of August 9, 2005, Huff, Davenport, and Rice forced their way into the back door of Mr. Rowles’ residence. Rice proceeded into the basement, Huff went upstairs to the second floor, and Davenport went to the front of the home. Thereafter, Huff met Rice in the basement. While Huff and Rice were in the basement, they heard a loud noise on the main floor and went upstairs to investigate. Once upstairs, Huff and Rice encountered Davenport who informed them that he shot Mr. Rowles. Rice then observed Mr. Rowles laying on the ground, presumably deceased.

Later that day, Rice retrieved the bag of stolen items unbeknownst to Davenport, and stored them in his residence. Rice encountered Huff and Davenport; Davenport was holding a gas can and told Rice that he planned to burn Mr. Rowles’ home to the ground. Huff and Davenport went to a nearby gas station and filled the gas can. Afterwards, all three went to Huff’s residence and consumed alcohol and illegal narcotics.

The following day, August 10, 2005, Rice woke up and realized Davenport had left. Rice left and walked home. Once home, Rice heard sirens and saw on the news that Mr. Rowles’ residence was set on fire. Later that day, Huff and Rice were detained and questioned by Youngstown Police.



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According to Chief Rivera, based on the history of Huff and Rice in the DRC, it is highly likely that they will not follow the rules of their release if they are paroled at this time. Huff is a level 3 inmate with a well-documented history of disobedience, racking up 60 rules infractions dating back to June 5, 2008, with 46 of those infractions occurring in the past 10 years. Rice is a level 2 inmate with 12 rules infractions dating back to May 2007, with 7 of those infractions occurring in the past 10 years. Rice's most recent infraction involved possession of synthetic cannabinoids. Further, Rice's Institutional Summary Report reveals that he has not taken advantage of the many programs and activities during his term of incarceration. While Rice has been incarcerated in the DRC for the past 16 years, and he is yet to earn his GED. And despite being convicted of murder, Rice has failed to complete a Victim Awareness program.