



ADVERTISEMENT

# Ex-police chief wants sex counts expunged

## County's legal reviewer opposed

11:04 PM, Apr. 9, 2012 | 1 Comments

Recommend

Be the first of your friends to recommend this.

Recommend Tweet 0 0 A A

Written by **Janice Morse**

For 11 days in 2003, Jeremy Alley served as the top cop in the little village of Elmwood Place. Then he was branded a sex criminal.

FILED UNDER

News University Of Cincinnati

Alley was busted for using his police department computer to proposition someone he thought was a 15-year-old girl – but Alley was actually online chatting with a police officer pretending to be a teen.

Now Alley wants a Hamilton County judge to wipe away his five sex-related convictions.

In a rare move, prosecutors are fighting Alley's expungement request. A hearing is set today before Common Pleas Judge Norbert Nadel.



Jeremy Alley as Elmwood Place's police chief / Provided

More

The situation is unusual, says Assistant Prosecutor Scott Heenan: "It's not every day you have a police chief do this and then later try to erase it."

Heenan, who is in charge of reviewing felony expungement applications in Hamilton County, estimated he sees 500 to 1,000 such cases each year. He allows at least 90 percent of them to pass without a challenge, and generally throws up hurdles only when a background check reveals that the person isn't a first-time offender, as Ohio law requires.

"Usually, expungements are very black-and-



ADVERTISEMENT

### TOP STORIES

- City picks streetcar design
  - Rumpke fire could cost millions
  - Doc: Money where heart is
- SEE ALL TOP STORIES



Fire at Rumpke recycling plant



Streetcar renderings



Rumpke fire damage

ADS BY PULSE 360

AdChoices

### Electric Monopoly Topped

54yr old man discovers crazy "trick" to slash his electric bill by 75%. See video before...  
HomeMadeEnergy.org

### Billions for CA Edu

Support the initiative providing Billions to CA schools.  
Join us.  
ourchildrenourfuture2012.com

### Mortgage Rates Hit 2.75% (3.1% APR)

If you owe under \$729k, you probably qualify for the Govt Refi Program.  
www.MortgageRatesExperts.com

white; either you're eligible or you're not," Heenan said. "This is one of the cases that falls into a gray area."

Because of a wrinkle in Ohio law, there's a dispute as to whether Alley's situation qualifies for expungement.

Even if Alley is eligible, Heenan argues "the very nature of this crime cries out against granting an expungement."

"Alley was not just some random person who hopped onto the Internet to solicit sex from children. He was a police officer. And not just any police officer – he was the chief. And he was soliciting sex using police computers," Heenan wrote in an objection to Alley's expungement application. "How a greater abuse of the trust that was placed (in) him could ever possibly occur defies imagination."

However, Christo Lassiter, a University of Cincinnati law professor, said that if the judge decides Alley's case meets eligibility requirements, the way Alley has conducted himself after the case ought to be considered.

"He was a police chief, so I can see where the prosecution has an extra angle ... and use of the police department computer, that makes the crime worse," Lassiter said. "But if his record warrants it, I would distinguish between the punishment of his sentence and what he did after his sentence. Expungement is the reward for leading an exemplary life once you've finished sentencing ... If he's led an exemplary life, then expungement is very appropriate to allow him to seek employment with an unblemished record."

Alley, now 35, declined to talk to a reporter. But in court records, Alley points out he underwent group therapy, complied with probation and, "I also have taken positive steps to improve myself and my life since being sentenced by this court."

He says he graduated from Brown Mackie College in Woodlawn with honors in 2007 and even was named "student of the year" in paralegal studies there. Alley has done volunteer work and obtained employment as a paralegal and in retail sales, he said.

"Since being arrested in 2003, I have been a law-abiding citizen, posing no problems to my then probation officer and the community," Alley wrote. "I have completed all my yearly (sex-offender) registration duties, which are required by law ... for the past nine years."

After first denying the allegations, Alley pleaded no contest to five counts of importuning – an adult seeking sexual activity from



someone younger than 16. Ohio law specifically says a person has committed importuning when soliciting sex from a law enforcement officer posing as someone younger than 16.

He served a five-month jail sentence, then completed five years of probation on Jan. 6, 2009. Alley applied for expungement on Jan. 6 this year – the first day he could possibly seek it. Under Ohio law, a one-time felon may apply for expungement three years after his final discharge from probation or sentence; the waiting period for a misdemeanor offense is one year.

While Alley's case was pending, he had repeatedly asserted "that his soliciting sex from a child was protected by his First Amendment rights," Heenan said. Alley's lawyers had also argued he was improperly convicted of importuning because the person he solicited was fictional. Further, they noted that Alley "never traveled to meet the fictitious teenager or otherwise acted upon the sexual discussions." His lawyers also challenged the constitutionality of the state importuning law.

Making such arguments, Alley appealed to three different courts – a state appeals court, the Ohio Supreme Court and federal court – and lost. Alley was free on bond while those legal battles wore on; he ended up serving his jail term in mid-2005, almost two years after he was convicted.

Heenan said he will argue that Alley is ineligible for expungement on several grounds, including the number of offenses Alley committed. "Ohio law lets you count two or three charges as one event – and he has five," Heenan said.

Convictions resulting "from the same indictment, information, or complaint, from the same plea of guilty, or from the same official proceeding" or from "related criminal acts that were committed within a three-month period" may be counted as a single offense if the judge thinks that's in the public's best interest.

Heenan argues it's in the public's best interest to keep Alley on the sex-offender rolls. "He fooled everyone once into trusting him so much, he was made a police chief. He cannot be allowed to hide the evidence that proves that trust was misplaced. He cannot be allowed to fool anyone ever again."

A number of crimes are blocked from expungement – including most violent crimes, drunken-driving convictions and almost all sex offenses, including importuning, Heenan said.

Ohio law "does not allow people convicted of importuning to have their convictions expunged," Heenan wrote in court records.

Lawmakers specified that people convicted of importuning on or

after the law’s last amendment date – Oct. 10, 2007 – were barred from expungement. But Alley was convicted four years before that date. So Alley, who is representing himself in court, might argue the law wasn’t in force at the time of his conviction.

Heenan noted that Ohio law requires a judge to find that “having the record of his conviction expunged outweighs the legitimate needs, if any, of the government to maintain those records.”

But Lassiter says it’s his understanding that, for law-enforcement purposes, Alley’s record would still be accessible, and it likely would prevent him from becoming a police officer again.

“It’s one thing if you believe that the offense he committed was so vile that you want to hang it around his neck forever,” he said. “But if you believe in redemption, at some point you have to let it go.”

Recommend

Tweet 0

0

**View Comments (1) | Share your thoughts »**

**YOU MIGHT BE INTERESTED IN**

[Police oversee Miami fraternity closure](#) (Cincinnati.Com)

[Cincinnati wants Kentucky to fix Purple People Bridge | Kentucky Politics](#) (Kentucky Politics)

[Water issues irk Newtown residents](#) (cincinnati.com)

[Mariemont store highlights its history](#) (cincinnati.com)

[Ohio youth sex offender registration rule blocked](#) (Cincinnati.Com)

[Ex-offenders deserve chance at employment « Letters to the Editor](#) (Cincinnati.Com)

**SPONSORED LINKS**

[Funeral Home Employee Arrested For Allegedly Molesting A Corpse](#) (AOL Jobs)

[5 Things You Should Always Recycle](#) (Recyclebank)

[U.S. stops minting unloved \\$1 coins](#) (Bankrate.com)

[What You Should Consider Before Education Graduate School](#) (USNewsUniversityDirectory.com)

[Great Classroom Ideas: Post-it Note Hidden Message Board](#) (Post-It Activity Center)

[New Demi Moore Photos](#) (StyleBistro)

[?]

**E-EDITION**

Welcome to the [electronic editions](#) of your local Community Press and

**CREATIVE LIVING**

Choose one..

**BLOGS**

[Consider This Clermont](#)  
[Eye on the East Side](#)

**SUBSCRIBER HELP CENTER**

[Contact us](#)      [E-Editions](#)  
[Advertising](#)      [Free ads](#)