



Press Release
January 18, 2002

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FOR IMMEDIATE RELEASE:

**JUDGE SENTENCES FORMER FAIRFIELD COUNTY SHERIFF GARY
DEMASTRY TO SIX YEARS IN PRISON**

Visiting Judge Richard M. Markus sentenced former Fairfield County Sheriff Gary K. DeMastry to 6 years in prison today. Judge Markus also sentenced the former Sheriff's wife and a former Deputy Sheriff, Penny DeMastry, to 2 1/2 years in prison, pursuant to a plea agreement with the special prosecutors. Both Gary and Penny DeMastry were ordered to begin the sentences immediately.

In sentencing the former county Sheriff, Judge Markus noted the severity of the crimes for which the sheriff was convicted. Judge Markus stated that Furtherance of Justice (FOJ) funds were "not a sheriff's slush fund," that included expenditures for "taking vacation trips with your family." Judge Markus also noted that the defendant "arrogantly chose to deceive anyone who sought an accounting of the money" and directed subordinates to cover up his transactions.

On December 11, 2001, a Fairfield County jury convicted the former Sheriff of 32 counts, including engaging and conspiracy to engage in a pattern of corrupt activity, theft in office, tampering with evidence, obstructing justice, receiving unlawful supplemental compensation, and filing a false financial disclosure statement with the Ohio Ethics Commission. The jury was unable to reach a verdict on 17 other counts, and acquitted DeMastry of one count.

In a sentencing memorandum filed with the Court, prosecutors stated that the former Sheriff's conduct "far exceeds a 'garden variety theft' or mere tampering with evidence case. This Defendant used his public office to steal public money, and he enlisted his top deputies to aid him in his crimes." According to prosecutors, "the conduct of this Defendant was so egregious, not only because he misappropriated money as a public official, but also because

the Defendant solicited, procured, threatened, controlled and ordered his top officers-three majors and a lieutenant-to also involve themselves in criminal activity to cover his wrongdoing."

Judge Markus ordered DeMastry to pay a \$10,000 fine, to forfeit \$10,880 to Fairfield County, and to pay a total of \$211,000 toward the costs of prosecution incurred by the Greene County Prosecutor's office, the Auditor of State, the Bureau of Criminal Identification and Investigation, the Ohio Ethics Commission, the Fairfield County Commissioners, and the Fairfield County Prosecutor. The Fairfield County Sheriff was ordered to keep DeMastry in custody while the Department of Rehabilitation and Correction attempts to make arrangements with federal authorities for DeMastry to serve his prison term in federal facilities, if such facilities are available.

The jury had convicted DeMastry of ordering his top officers to falsify furtherance of justice (FOJ) and law enforcement trust fund (LETf) expenditure logs and affidavits to cover the fact that most of these funds were actually given back to DeMastry. These officers testified at trial that DeMastry routinely asked them to cash FOJ checks for him and then turn over some or all of the cash to DeMastry. When the state auditor began examining these expenditures, DeMastry ordered these officers to create logs with fictitious expenditures, such as meals and payments to confidential informants, to conceal that they actually gave the money to DeMastry. DeMastry subsequently ordered these officers to sign false affidavits to support these logs. DeMastry was also convicted of fabricating his own logs and of signing false affidavits to support these false logs.

In addition to other counts of theft in office and obstructing justice, the jury convicted DeMastry of soliciting and receiving money from festival organizers to perform law enforcement services at the annual county Sweet Corn Festival in 1995 and 1997. State law prohibits elected sheriffs from receiving income from any source other than his public employer to perform law enforcement services. The jury also convicted DeMastry of filing a false Financial Disclosure Statement with the Ethics Commission in 1997, by knowingly failing to disclose this income on the form. Judge Markus ordered DeMastry to serve the maximum sentence of six months in jail for each of these three offenses.

Penny DeMastry, who was a former Fairfield County Sheriff employee and is Gary DeMastry's spouse, pleaded guilty on December 3, 2001, to five fourth-degree felony counts of conspiracy to commit tampering with evidence, conspiracy to commit obstructing justice, complicity to commit theft in office, conspiracy to commit money laundering, and theft in office. Under the terms of her agreement, she paid \$6500 in restitution on January 18, 2002 to Fairfield County, and agreed to drop her administrative appeals to reclaim her job at the sheriff's office. She will be eligible to seek early release after serving a definite term in prison.

The convictions were the result of a joint investigation by a team of special prosecutors appointed by Fairfield County from the Greene County Prosecutor's Office and the Ohio Ethics Commission and investigators from the Ohio Auditor of State and the Ohio Bureau of Criminal Identification and Investigation. Special prosecutors were Greene County Prosecutor William Schenck, two of his assistants, Stephen Wolaver and Suzanne Schmidt,

and Ohio Ethics Commission Chief Investigative Attorney Paul M. Nick.

David E. Freel, the Commission's Executive Director, stated, "The Ethics Commission applauds the work and dedication of the entire prosecution team because it is never easy to investigate and prosecute another law enforcement officer, even when justice requires that it be done." Freel added, "The sentence from Judge Markus will help repair some of the damage done by the Defendant to the public trust in this community."