

Ohio Judicial Symposium on Opiate Addiction Judicial Panel - Case Scenarios

SCENARIO 1 - SCOTT

Scott is a 42 year old male charged with Possession of Heroin. This offense is a Felony 5 that could carry a 12 month prison incarceration, although there is a presumption against prison. He is a first time offender, states that the drug was for personal use, and began after he had been prescribed opiates for a back injury. Scott earned a high school diploma, is employed and lives with his wife and children. He currently has a valid Ohio driver's license, and has a family supportive of his recovery.

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SCENARIO 2 - SHARON

Sharon is a college graduate and married mother with two children. Sharon works late hours and states in order to stay up she drinks alcohol and uses prescription drugs. Last July Sharon was arrested and cited for driving under the influence of alcohol. Her blood alcohol concentration level was .285. Sharon swears she was not drunk and that she functions well at this level. Her judge sentenced her under the provisions of having a first DWI in a six year period. The sentence included 6 days in jail, a \$600.00 fine plus costs, and an 18 month driver's license suspension. Sharon attends 3 self-help meetings per week and substance abuse counseling per her assessment. She was later granted driving privileges with an interlock device installed on her vehicle.

In May 2014, Sharon was again arrested for driving under the influence of alcohol. She was driving her husband's car this time. The officer had her submit to a urine test where she was again over 3 times the legal limit and was positive for Percocet. Sharon states that she is not a drug addict like those street users and she doesn't see what's the big deal? It was determined that Sharon doesn't have a legal prescription for Percocet. Sharon entered a plea to driving under the influence of alcohol/drugs of abuse.

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SCENARIO 3 - KATHY

Kathy is a 44 year old female who is charged with, and pled guilty to, a Felony 5 Possession of Heroin. She has two prior Felony 5 convictions for Possession of Heroin. The Pre Sentence Investigation (PSI) states that she is in need of intensive supervision. Kathy successfully completed a Community Based Correctional Facility (CBCF) program of 4 months duration last year, but has had difficulty implementing her knowledge. Kathy has voluntarily requested admission into the Recovery Court, and states that she simply cannot recover on her own. She has a long history of using drugs of abuse with her children and her husband, who is now incarcerated. It is suspected that when released her husband will continue using drugs. Kathy has appeared for numerous hearings during this case and her prior cases under the influence of alcohol and/or drugs. She suffers from guilt associated with making life-ending decisions for both her mother and a sibling, and has had no specific counseling for her grief; however she does realize this is one of the triggers that causes her to want to use drugs. She has recently gained employment, but continues to struggle with her desire to use drugs.

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SCENARIO 4 - ED

Ed works at a restaurant that sells liquor. He sometimes smokes marijuana laced with PCP with his co-workers. One day Ed started acting funny, took off his clothes, ran down the street and entered a local restaurant. The restaurant workers ordered him to leave but he sat at a table and refused. The police were called and Ed was taken to a hospital, evaluated and tested. After the urine test it was discovered that he was under the influence of alcohol, marijuana and PCP. Ed was arrested for criminal trespass and indecent exposure. The criminal trespass is a misdemeanor of the first degree punishable by up to 6 months in jail and/or up to a \$1000.00 fine. The indecent exposure is a misdemeanor of the 4th degree punishable by up to 30 days in jail and/or up to a \$250.00 fine. Ed had never been arrested but admits to his attorney that he is addicted to PCP and has tried to stop but cannot.

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CASE SCENARIO 5 - MOLLY

Molly is a 21 year old female who is charged with a Felony 5 Possession of Heroin, and has continually violated her community control. She has now applied for admission into drug court, the sincerity of which was doubtful because she seemed to understand that she was going to be sent to prison otherwise. She has three children ages 7, 5 and 7 months. (The baby tested positive for opiates at birth.) Molly has already violated the terms of her bond by testing positive for prescription medication not prescribed to her. Her Ohio Risk Assessment Score (ORAS) is 34. Molly reported that in addition to using heroin daily, she was also using marihuana, cocaine, alcohol, and Xanax several times each week. She has been diagnosed as being bi-polar and presents with substantial emotional baggage from the past. The PSI writer believes that she is currently a victim of sex trafficking, however she refuses to acknowledge same. When asked how many sexual contacts she has had in the last 14 days, her answer was "30." She is currently living with her ex-husband's father and does not have custody of any of her children.

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