

Frances Mentch Acquitted By Ohio Court Of Appeals Of Pulling Hair After Public Meeting

On Christmas Eve 2014 the Ohio Court of Appeals [vacated the](#) assault conviction of Frances S. Mentch for allegedly pulling a library official's hair after a September 2013 library board meeting in Cuyahoga County, Ohio.

Mentch is a Social and Behavioral Sciences Librarian for the Michael Schwartz Library at Cleveland State University. Mentch lives in a suburb on Cleveland's eastside.

Beginning in 1952 the historic William E. Telling Mansion in South Euclid housed the Cuyahoga County Library branch for the towns of South Euclid and Lyndhurst. Telling was a prosperous dairyman and ice cream manufacturer. His [motto for success](#) was: "Just work and work and work some more; do the work of two and draw the pay of one." Telling was born in 1869 on the property where he built his mansion. He lived there until his death in 1938. The mansion, which is listed on the National Register of Historic Places, was bought by the library system in 1951.

In early 2013 Mentch and other concerned citizens formed an advocacy group to protest the Cuyahoga County Library Board's plan to close the Telling Mansion branch and sell the property to an investor for \$755,000 — about half of its appraised value. The group called the library a "prized possession" of the library district, and protested everything from the selling price, to the planned location for a new branch that was a mile from schools and on a secondary road not served by public transportation. The group also protested the \$12 million budgeted for construction of the new branch, was more than double the cost of completely renovating Telling Mansion. In May 2013 the group filed a lawsuit challenging the sale, which was dismissed by a Cuyahoga County Common Pleas Court judge.

The group also set up a website, www.savethemansionlibrary.org, and a Facebook page, www.facebook.com/MansionLibrary.

After a contentious public hearing on September 24, 2013 during which fifteen people spoke against selling Telling Mansion, the library board met in closed-door executive session and voted to approve the sale.



Frances Mentch
(Cleveland State U. library)

Mentch was charged with one count of first-degree misdemeanor assault.

Mentch pled not guilty and requested a jury trial. Her [lawyer filed](#) a pretrial "motion to dismiss defective complaint," on the basis that neither the complaint nor the bill of particulars identified the necessary *mens rea* (criminal intent) element of the assault offense. Parma Municipal Court Judge Timothy P. Gilligan denied the motion.

On March 4, 2014 a jury found Mentch guilty of assault. Immediately after the verdict, Judge Gilligan sentenced Mentch to the maximum sentence of 6 months in jail with 150 days suspended. In pronouncing Mentch's sentence Judge Gilligan cited her lack of remorse during pre-trial hearings and during her trial, and that she declined to accept a plea bargain that included no jail time. Judge Gilligan ordered that Mentch be taken immediately into custody, after he denied her motion to stay execution of her sentence pending the outcome of her appeal.

After Mentch began serving her jail sentence Judge Gilligan increased her sentence outside the courtroom by making an entry imposing "24 months of probation," and requiring Mentch to report for six months of the probationary period.

Mentch appealed. She argued Judge Gilligan erred denying her motion to dismiss the charge; that the prosecution introduced insufficient proving each element of assault beyond a reasonable doubt; and the judge erred sentencing her to 24 months probation after the sentencing hearing and that he failed to do so in open court. The Ohio Court of Appeals vacated her conviction in its ruling released on December 24, 2014. In *City of Parma v. Frances S. Mentch*, No. 101222 (Eighth Appellate Dist. Ct. of Appeals, 12/24/2014), the [Court stated](#):

"The primary purpose of the charging instrument in a criminal prosecution is to inform the accused of the nature of the offense with which he or she is charged."

...
Mentch argues that the complaint filed in this case was fatally flawed because it failed to include all the essential elements of the crime charged. Specifically, Mentch argues that the complaint

The controversy didn't end with adjournment of the meeting. Cuyahoga County Library Executive Director Sari Feldman accused Mentch of pulling her hair after the vote was announced.

failed to set forth the *mens rea* element — a material element to the offense charged. We agree.

...
Based on the complaint filed, Mentch was not provided with sufficient notice of the offense being charged. Indeed, the complaint at issue omitted an essential element of the offense — the *mens rea* of knowingly. Under such circumstances, we find that the trial court should have granted Mentch's motion to dismiss the complaint.

...
Accordingly, because the complaint omits and fails to charge the culpable mental state of knowingly — an essential element of the crime of assault — it is fatally defective and fails to charge an offense. Mentch's conviction for assault is void and must be reversed.

The Court didn't consider the other issues of Mentch's appeal because they were moot.

At the time of appeals court's ruling Mentch had served her 30-day jail sentence and completed almost nine months of probation.



Telling Mansion (Cuyahoga County Library branch in South Euclid, Ohio) (Lynn Ischay, The Plain Dealer)

The Court's ruling establishes Mentch was convicted and jailed without even being charged with a crime under Ohio law. Mentch can file a claim under Ohio's wrongful conviction compensation statute that authorizes up to \$40,330 per year of incarceration (or amount determined by state auditor), in addition to lost wages, costs, and attorney's fees.

[Click here to read](#) the appeals court's ruling in *City of Parma v. Frances S. Mentch*, No. 101222 (Eighth Appellate Dist. Ct. of Appeals, 12/24/2014).

Source: [City of Parma v. Frances S. Mentch](#), No. 101222 (Eighth Appellate Dist. Ct. of Appeals, 12/24/2014)

[Assault conviction reversed](#) for Telling Mansion library advocate accused of pulling hair, *Plain Dealer* (Cleveland, OH), December 25, 2014

[Jury finds Telling Mansion library](#) advocate guilty of misdemeanor assault, *Plain Dealer* (Cleveland, OH), March 4, 2014

[Ask Your Personal Librarian](#), Michael Schwartz Librarian, Cleveland State University

