

## TRUMBULL COUNTY PROSECUTOR'S OFFICE

News release March 4, 2024

### **11<sup>th</sup> District Court denies new trial for Brown**

The Ohio 11<sup>th</sup> District Court of Appeals, in decisions made Monday, March 4, 2024, denied appeals from two inmates convicted of Trumbull County crimes.



The court, in an opinion written by Judge Eugene A. Lucci, denied the motion for a new trial made by convicted murderer Felix O. Brown Jr., 65, at left.

In 1995, a Trumbull County jury found Brown guilty of murder with a firearm specification and having weapons while under disability. Brown was sentenced to an aggregate 18-years-to-life prison sentence for the February 1995 shooting death of 26-year-old Monica Brandon in Niles.

The original conviction and sentence were appealed in the 11<sup>th</sup> District Court, which upheld the court's actions in 2000. The Supreme Court of Ohio later denied Brown's jurisdictional appeal.

Nearly 15 years after his conviction, Brown in September 2011 filed a motion alleging errors in his indictment and in jury instructions. The trial court overruled this motion, with the decision affirmed by the 11<sup>th</sup> District Court in 2012.

In August 2016, Brown filed a second motion to vacate the trial court's judgment, again citing errors in jury instructions on lesser-included offenses. This motion again was denied by the trial court and later affirmed by the 11<sup>th</sup> District Court.

In December 2022, Brown filed a motion for new trial, which was denied by Common Pleas Judge Andrew D. Logan on Aug. 24, 2023. In this appeal, Brown cited seven errors in a matter of law by the trial court, citing abuse of discretion and prejudice against defendant.

Judge Lucci, joined by Judges Matt Lynch and Robert Patton, found that the assignments of error were all without merit.

Assistant Prosecutor Ryan Sanders argued for the state in the appeal, while Brown, who represented himself in the appeal, will continue serving his sentence at Grafton Correctional Institution.

Prison records show that Brown is expected to be eligible for parole in February 2025, but Trumbull County Prosecutor Dennis Watkins in past letters urging the parole board to reject any bids by Brown, has called him a sociopath and a “high-risk” offender.



In another appeal, the 11<sup>th</sup> District Court in a decision written by Judge Patton, affirmed the conviction and prison sentence for defendant Kenneth Nitso, 34, photo at left. Nitso had appealed his conviction made by a trial jury in the Trumbull County Court of Common Pleas on eight counts gross sexual imposition, rape and compelling prostitution. He was sentenced by Judge Logan on March 1, 2023, to an aggregate term of 30 years to life in prison.

The victim testified the abuse began when she was 6 and continued until she was 12. Also testifying in the case was a school supervisor at the Trumbull County Educational Service Center.

In his appeal, Nitso raised four assignments of error for review by the appellate court, including admitting the polygraph test of the defendant without providing the jury a cautionary instruction; lack of effective assistance of counsel; the convictions were against the manifest weight of the evidence and the evidence against Nitso was insufficient.

Judges Patton, joined by Judges Lynch and John J. Eklund, wrote that the assignments of error were without merit.

Assistant Prosecutor Sanders again represented the state in the appeal, while Nitso was represented by Cleveland attorney Edward Heindel.

Nitso remains incarcerated at Belmont Correctional Institution.

For more information, contact Guy M. Vogrin, investigator/public information officer for the Trumbull County Prosecutor’s Office at 330-675-2485.