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Downen avoids life sentence

By Tracey Read, The News-Herald

Thursday, December 19, 2013



A Wickliffe man will avoid a possible life sentence after being found not guilty of murder and felonious assault Wednesday in Cuyahoga County Common Pleas Court.

A jury instead found 19-year-old Christopher Downen guilty of reckless homicide and tampering with evidence in the June 30 death of 18-year-old Prentice Dietrich-Smith.

Downen now faces up to six years in prison when he is sentenced Jan. 17 by Judge Maureen E. Clancy.

"I'm not happy," the victim's mother, Miranda Dietrich, said through her tears. "I feel like I felt since day one. If Chris had not come to where we were, this would not have happened. I'm not a vindictive person. I do realize teenagers make rash decisions.

"But I definitely wanted him to get the murder charge because he posted his intentions (on Facebook), and he carried them out. And now he only faces six years? At the most?"

Downen, who did not testify, told police he stabbed the victim once in the abdomen in self-defense because he was being punched and kicked by five people at once.

Defense attorney Joseph "Randy" Klammer said Downen was overindicted from the beginning.

"He dodged a life sentence," said Klammer. "Chris is relieved,

but he's frightened. He's ready to move forward."

Downen, who had been on house arrest, was taken to jail after the verdict was read.

"We are pleased that Mr. Downen did not get the self-defense (jury) instruction that his lawyer requested and that he will be held accountable for his actions," prosecuting attorney Kristin Karkutt said in an email.

Downen went to Dietrich-Smith's home after a Facebook argument in which the defendant threatened to "keep beating your ass over and over again."

The victim was the former boyfriend of Downen's fiancée.

Downen had no prior criminal record.

The victim's mother said her son also had never been charged with a crime.

"He was not just my son. He was my friend," she said.

Dietrich also described him as a good big brother to his younger siblings.

"I have three other kids," she said. "I have to keep it together for them. How am I supposed to do that?"

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Attorney attempts to discredit Euclid police in murder case

By Tracey Read, The News-Herald

Tuesday, December 17, 2013

Prosecutors were expected to rest their case today against a Wickliffe man on trial in the fatal stabbing of a Euclid man.

Christopher Downen, 19, is accused of killing 18-year-old Prentice Dietrich-Smith at the victim's Euclid home June 30.

Downen is claiming he acted in self-defense because he was being punched and kicked by five men at once.

Prosecutors played a videotape for the jury of Downen's police interview on the fifth day of trial in Cuyahoga County Common Pleas Court.

Downen is heard on the tape telling Euclid Detective Daniel Novitski that he knocked on Dietrich-Smith's door and asked him to apologize for comments he made about Downen's fiancée, Samantha Terriaco, on Facebook.

"Prentice said, 'There's no talking,'" Downen said.

He then told the detective that Dietrich-Smith punched him in the face so hard that he fell to the ground. Shortly after that, four or five teens who pulled up slowly in a gray car joined in.

"I had a knife in my pocket. I was trying to reach for it," Downen told Novitski. "I tried to get up. But they were kicking me, punching me."

Downen said he went to investigate after seeing Dietrich-Smith run down the street and then fall.

"I asked him, 'Are you OK?' I saw a huge hole in his stomach," the defendant said on the tape. "I yelled to his mom, 'I need help!'"

The detective asked Downen what happened to the knife he brought for protection.

"I don't know," Downen said.

After more questioning, Downen then admitted he gave the knife to an older family friend who had also been in the car during the incident. Police found the knife in the backseat of Downen's car.

But defense attorney Joseph "Randy" Klammer attempted to discredit the police investigation.

Klammer pointed out that it was he — not police — who finally located some of the teens who allegedly helped beat Downen.

Klammer also accused the lead detective of feeding the four teens details of Downen's self-defense claim in order to boost the prosecution's murder case.

"Do you remember saying (to one of the teens), 'If this stuff is gonna go on, he has a valid self-defense claim?'" Klammer said.

Novitski responded, "Yes."

The detective also admitted that even though he knew the four teens lied by claiming they weren't at the scene, they were never re-interviewed by police.

And although they testified at trial they were at the scene to help Dietrich-Smith fight Downen, the teens have not yet been prosecuted for assault or lying to police, Klammer said.

"You were losing control of the facts of the case," the defense attorney said. "We all know these kids lied, but you guys are invested in the murder case."

Klammer also questioned why Patrolman David Maslyk failed to do more to get statements from two neighbors who said they heard screaming and saw someone running that night.

“The witnesses said they didn't want to be involved,” Maslyk testified Monday.

The patrolman added he felt no need to get the neighbors' names and addresses to possibly question them again later.

In addition, police never attempted to get a grand jury subpoena to force them to testify.

“Come on! This is a murder investigation!” Klammer said.

Downen faces 18 years to life in prison if convicted of murder, felonious assault and tampering with evidence.

The case is being tried before Judge Maureen E. Clancy.

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