

IN THE COMMON PLEAS COURT OF MONTGOMERY COUNTY, OHIO
CRIMINAL DIVISION

STATE OF OHIO, : CASE NO. 2019 CR 04108/02
 :
 Plaintiff, :
 :
 v. : JUDGE DENNIS J. ADKINS
 :
 :
 AMANDA HINZE : STATE'S SENTENCING
 : MEMORANDUM
 Defendant. :

By and through the Montgomery County Prosecutor's Office, the State of Ohio respectfully requests this Court impose on Al-Mutahan Mclean a prison term of 51 years to life for the years of prolonged excessive abuse he inflicted on his young child Takoda Collins, whom he ultimately murdered with a final brutal beating and anal rape.

The State also requests a maximum consecutive sentence for co-defendant Amanda Hinze as well as a lengthy prison term for co-defendant Jennifer Ebert. As set forth in the attached, both of these adults were complicit and assisted in the daily isolation and torture and death of this child.

The State sets forth in the attached memorandum, the details of Takoda's Collins horrific life, and death, and the actions of these defendants that justify the State's request for sentencing.

Respectfully Submitted,

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PROSECUTING ATTORNEY

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MEMORANDUM

I. INTRODUCTION

Defendants Mclean, Hinze and Ebert's reign of terror over 10-year-old Takoda Collins ended December 13, 2019, when the torture inflicted by Defendant Mclean was finally too much for this child to survive. Defendant Mclean had inflicted injury to every part of Takoda's body. The abuse on Takoda's last day was unimaginable, Defendant Mclean beat this child, stood on him pushing his full weight on this child's body, forced him into water as Takoda could be heard struggling. In his final acts of humiliation, rage, and torture Defendant repeatedly forced a broken chair leg deep into Takoda's rectum.

As set forth below, as the investigation unfolded it became clear that more tragic than the facts surrounding Takoda's death, were the facts of the life he endured in the house of horrors that was 1934 Kensington. From as early as his first-grade year in 2015, Takoda suffered, daily, excessive abuse, inflicted by his biological father Defendant Mclean, and encouraged and facilitated by his self-appointed step-mother Defendant Hinze and her sister Defendant Ebert.

When Defendants Mclean and Hinze withdrew him from school, in 2018, at age 9, they perfected his isolation from the world, and unchecked, could escalate their extreme abuse and torture. Although the extreme abuse existed while he was in school, from the time of Takoda being withdrawn from school his entire life was revolved around being locked in a barren attic, denied clothing, food, light and access to a bathroom. Every single day and night of Takoda's life consisted of constant, unending torture. For entire days, 20 hours a day, he was forced to pose, in bizarre and painful punishment positions. While Takoda suffered in his torture poses, the defendants would monitor him from the comfort of their furnished living room or bedrooms.

When Takoda dared move from the torture position chosen by Defendant Mclean, Mclean would horrifically beat him as punishment. If Defendant Mclean had not noticed the transgression, Defendants Hinze and Ebert would alert Defendant Mclean so that he could execute the punishment for the child's perceived disobedience. When Takoda, who had no other alternative, defecated in his filthy attic, Defendant Mclean became enraged and forced Takoda to eat his own feces, even as Takoda begged and struggled against him. Takoda thus learned that this was expected of him, and began to eat his own feces to avoid Defendant Mclean force feeding it to him.

As set forth below the crimes of Defendant Mclean, which were aided and supported by his co-defendants, represent the worst of human conduct. He provided no mercy to his own son, and deserves none from this Court. Nor, for their part in the excessive abuse, isolation, and torture, and death of this child, did Defendants Hinze or Ebert show any mercy, nor do they deserve any leniency.

II. **CHARGES BEFORE THE COURT FOR SENTENCING**

Defendants Mclean, Hinze and Ebert were all charged for their roles in the life and death of Takoda Collins. All three have entered pleas and face imprisonment as set forth below.

A. **Defendant Mclean**

For the Murder, Rape, Torture and Extreme Abuse of Takoda Collins on the date of his death and for the years leading to his death, Defendant Mclean pled as follows:

Count 1 B Indictment: Murder (proximate result Felonious Assault), from December 12, 2019 through his death on December 13, 2019, Unclassified Felony;

Count 6 B Indictment: Kidnapping from May 10, 2018, when Defendant withdrew Takoda from school, until the date of death, Felony 1;

Count 7 B Indictment: Endangering Children from January 5, 2015, when Takoda started at Horace Mann until November 2018 when he jumped out of the window, Felony 3;

Count 1 (Original): Endangering Children (violating duty of care/substantial risk serious physical harm), from November 2018, when he jumped out of the window, until his death, Felony 3;

Count 2 (Original): Endangering Children (reckless abuse, serious physical harm) from November 2018 when he jumped out of the window until his death; Felony 2;

Count 7 (Original): Rape, by force, date of his death, F1.

By agreement, and by the facts of this case, these charges do not merge and Defendant faces a potential prison sentence, to be determined by this Court, of 40 to 51 years to life.

B. Defendant Hinze

For Defendant Hinze's complicity and participation in the Torture, Extreme Abuse and Death of Takoda Collins on the date of his death and for the years leading to his death,

Defendant Hinze pled as follows:

Count 1 B Indictment: Manslaughter, from May 10, 2018, when Defendant removed Takoda from school, until his death, Felony 1;

Count 6 B Indictment: Endangering Children (violating duty of care/substantial risk serious physical harm), from when Takoda started at Horace Mann until November 2018, when he jumped out of the window, Felony 3;

Count 3 (Original): Endangering Children (torture) from November 2018 when he jumped out of the window until his death; Felony 2;

Count 4 (Original): Endangering Children (physically restrain cruel manner) from November 2018 when he jumped out of the window until his death; Felony 2.

By agreement, and by the facts of this case, these charges do not merge and Defendant faces a potential prison sentence for these crimes, to be selected by the Court for these crimes from 9 months to 30 years.

C. Defendant Ebert

For Defendant Ebert's complicity and participation in the Torture, Extreme Abuse and Death, Torture of Takoda Collins on the date of his death and for the years leading to his death, Defendant Ebert pled as follows:

Count 1 Bill of Information: Manslaughter, date of death, Felony 3.
Count 3 (Original): Endangering Children (torture) from November 2018 when he jumped out of the window until his death; Felony 2;

By agreement, and by the facts of this case, these charges do not merge and Defendant faces the penalties set forth by statute for a felony of the third degree, and felony of the second degree, including a maximum prison term of 11 years.

III. INVESTIGATION INTO LIFE AND DEATH OF TAKODA COLLINS

A. Scene Upon Arrival

On December 13, 2019 the nightmare of Takoda's life ended when Defendant Mclean's severe beatings, water torture and a brutal rape were finally too much for the ten-year-old child's body to withstand. Defendant Mclean, unable to revive the child for another round of torture, called 911. The call is disturbing. (See 911 Call and Call Transcript Ex. 1 and 2) (Ex.1 also entered at the motion to suppress)(all exhibits will be provided to the Court for review and marked for the record). Rather than focusing on the current condition of his son, Defendant spends most of the call lamenting about what terrible child Takoda was, and how difficult he has been to parent. At one point when Defendant is instructed to give CPR, Defendant can be heard retching and then complains "it smell real rotten inside of his stomach". (Ex. 2 at pgs. 4, 10)

Upon arrival paramedics found Defendant Mclean waiting at the door, the child Takoda Collins, battered and bruised from head to toe, was lying alone, unresponsive, on the floor of the living room. Dayton Police Officer Evans also responded as paramedics tended to Takoda. The other defendants were not present. To allow the medics to work without distraction Officer

Evans engaged Mclean in conversation on the porch, during which Defendant continued his rant about his uncivilized, uncontrollable child. (Cruiser Video State's Ex. 3 at 6:20, 13:50, 14:26, 17:00)(second clip is front of cruiser view)(entered at the MTS) His complaints to Ofc. Evans, which are repeated in his formal interview, included claims that the child ate his own feces "on the regular." (Ex. 2, pg. 7; Ex. 3 6:26, 14:46, Ex. 12 pg. 17, 21)(Video associated with Ex. 12 entered at MTS) Defendant also tried to explain away all the bruising on Takoda as self-inflicted dramatics of an uncontrollable child putting on a show. (Ex. 3 6:10-6:45, 28:09, 30:31-33:04)

Although paramedics focused on attempts to resuscitate Takoda, the evidence of abuse was clearly present all over Takoda's body. At one point, paramedics indicate Takoda has passed, Defendant's response to the news of the death of his child was "alright, I tried to get you guys here as fast as I could." (State's Ex. 3 at 9:36-10:12) Even still, medics continued to try to revive the child, including transporting him by ambulance him. Resuscitation was impossible, and Takoda, age 10, was pronounced deceased in the emergency department at Children's Hospital.

B. Children's Hospital on Date of Takoda's Death

Once at Children's Dr. Liker, an expert in pediatrics, specializing in abuse, had an opportunity to externally examine the deceased child. (Medical Record State's Ex. 4, Photos State's Ex. 5, see files 1-108)(as these exhibits contain medical records and as the photos depict a deceased minor in a state of nudity the State submits under Ex. 4 and 5 under seal). Takoda was battered from head to toe, Dr. Liker noted hundreds of lacerations and abrasions, to Takoda's head, face, mouth, neck, chest, abdomen, back buttocks, arms, hands, legs and feet. *Id.* She noted extensive bruising to his entire body, including his scalp, face, inside of his mouth, neck,

chest, abdomen, buttocks, arms, legs and feet. Patterned abrasions were noted on his chest, abdomen, buttocks, and posterior legs. *Id.* Older scars, patterned and non-patterned, were seen on his torso and extremities. Injuries, lacerations and bruising were also visible externally in the anal area. *Id.*

To Dr. Liker's expert eye, these extent and nature of the injuries were not consistent with accident, or self-infliction, they were the result of severe physical abuse or torture, on numerous occasions over a period of time. *Id.* Many of the injuries were in areas that are very difficult to bruise. *Id.* She noted that many of the injuries often considered to be "defensive" locations, as they are the areas of the body, such as the back of arms and posterior of body, that are exposed when one tries to protect themselves from blows. *Id.* She also noticed evidence of prior rib fractures that were not visible in the child's 2018 hospitalization for jumping out of the window. Dr. Liker also indicated that a child's basic needs include, safe, healthy living conditions, clothing, regular medical care and schooling, which is neglect. *Id.* Dr. Liker noted that in 2018 Takoda was evaluated by the hospital and referred for behavioral health therapy, however, the efforts by the hospital to connect Takoda with these services were rejected by the family, which is medical neglect. (Ex. 4) Dr. Liker also noted that based upon Takoda's injuries and condition any reasonable care giver should have sought medical attention for him and the failure to do so, is neglect. *Id.*

C. Autopsy

As disturbing as the external presentation of Takoda's injuries was, it was the internal examination performed by Deputy Coroner Dr. Bryan Casto that told the true depth and extent of the torture inflicted on this child. The autopsy confirmed extensive blunt force injuries,

abrasions and contusions to the head, torso and extremities. Evidence of acute (fresh) injuries, as well as healing injuries, were present.

With respect to Takoda's head, Dr. Casto, noted even more injury than did Dr. Liker, as there was bruising hidden by the child's hair. External autopsy photos show, bruising around the right forehead, right chin, inside the upper and lower lip and left nasal opening. (Autopsy Ex. 6, Coroner Photos Ex. 7)(As exhibit 7 contains photos of a deceased child in a state of nudity the exhibit is submitted under seal.) The internal examination explored the depth and breadth of the injuries. When Takoda's scalp was reflected, deep bruising was observed to all areas of the head. *Id.*

With respect to the chest area, external contusions and petechiae were noted. *Id.* Internal examination revealed internal bruising to the stomach, which was documented by photograph. *Id.* Takoda's back and buttocks also showed severe external, and internal injury. Severe pulmonary edema, fluid in the lungs, was noted that could relate to submersion in water. *Id.* Photos from the hospital also had noted pruning of the child's hands, one explanation for such pruning could be related to submersion, however that condition was no longer present by autopsy. Dr. Casto also observed fractures of numerous ribs. (Ex. 6).

Takoda's digestive system was also examined. Common sense suggests one would find the content of the stomach to appear different than content found later along in the digestive system such as in the bowels. Not for Takoda. His stomach had contents that were a tan-yellow puree type consistency, which appeared identical in color and consistency to what was found in his bowels. (Ex. 6)

External view of Takoda's back, buttocks and back of legs show healed scars, and fresh bruising. (Ex. 6, 7) On his back there was a type of branding of four letters that appeared to

begin with the letter T. (Ex. 6, 7) This is, by its location, an area that would be unreachable, and is thus wholly inconsistent with self-infliction. Autopsy photographs show excessive bruising the back, buttocks and the back of the legs and is captured by photograph. (Ex. 7). However, it is the internal examination that is the most telling relating to the trauma of these injuries. When the skin is reflected, there are extensive superficial and very deep bruising over the entirety of the child's back. The deep bruising is in the right upper back, left upper back, mid back, and lower back. (Ex. 6, 7) Additionally, externally there appears to be bruising and swelling of the entire buttocks area. (Ex. 6, 7) Internal examination confirms the bruising. *Id.* The bruising is the full thickness of the gluteus maximus. *Id.* Essentially the entire area, all the way to bone, is bruised and swollen.

Also present at autopsy, and observed previously by Dr. Liker, was significant injury to the rectal area. The anus has two half inch lacerations. *Id.* Internal examination showed the depth and the damage of this injury. *Id.* The internal examination of the pelvic revealed "abundant" blood associated with this injury. *Id.* The photos demonstrate that the external injury is associated with internal lacerations that extend deep into the rectum. *Id.*

The most significant injury, as it relates to fatality, not even visible externally, was severe bruising to the back of the neck. Internal examination of this area revealed deep bruising through all of the layers or neck muscle directly over the spine. (Ex. 6, 7) In preparation for trial Dr. Casto described this bruising as the type of injury typically only observed in catastrophic events such as a severe car accident.

The cause of death for ten-year-old Takoda was blunt force trauma, combined with compressive asphyxia, and water submersion. (Ex. 6) Manner of death was homicide. (Ex. 6)

D. Living Conditions at 1934 Kensington

While Takoda was examined at the hospital, law enforcement remained at the Kensington address with Defendant Mclean. Shortly after Takoda's removal, Defendants Hinze and Ebert had returned to the residence with three-year-old, J.N., who was later determined to be Defendant Mclean's three-year-old brother. Although Defendant Mclean initially maintained that just he and Takoda lived at the Kensington residence, it was later confirmed that all three Defendants, Takoda and J.N. lived there.

When police arrived, they originally stayed on the main level of the home. Ultimately, they were given permission to search the residence and photos were taken. (State's Ex. 5, files DSC 6536-6815) The main level of the home was furnished, there was running water, and food in the refrigerator. *Id.* There appeared to be a security system in the home, as the TV in the living room showed live video of the outside of the home. *Id.* Family photos were hung throughout the home. *Id.* However, while there were photos of the defendants, J.N., pets, and other apparent family members, there were absolutely no photos of Takoda. *Id.*

On the main floor there was a furnished bedroom, that appeared to be Defendant Mclean and Hinze's room. *Id.* The room had clothes, and was fairly orderly. *Id.* A mudroom had been made into a second adult bedroom, and was also furnished with bedding and clothing. *Id.* Also, on the main floor there was a bedroom consistent with the needs of a three-year-old. *Id.* For the three-year-old there were age appropriate toys, and size appropriate clothing. *Id.* But on the main floor there was no room set up for Takoda, no age appropriate toys or school books, and no clothing for a 10-year-old. *Id.* Nor was there a bedroom for Takoda set up in the basement. Only a room for the dogs, with cages, and a cement floor littered with dog excrement.

In the living room there was a door that led to the attic, the area later learned to be where Takoda was living. As the Detectives ascended the stairway to Takoda's hell, they noticed an overwhelming smell of human urine and feces. The area at the top of the stairs was dark and barren, except for a broken chair. *Id.* When officers arrived, there was no light source, and they had to use flashlights to see. There were no clothes, no books, no toys, only filth, excrement and bugs. *Id.* Two legs of the broken chair were recovered downstairs, one stuck behind the T.V., one in a laundry basket outside the bathroom. *Id.*

Further in the attic was another locked room. When the room was unlocked, detectives found a bloody tarp, and filthy lawn chair that they ultimately learned was Takoda's bedding when he was allowed to have it. Detectives also found a dismantled video camera that had been used by the defendants to surveil Takoda, which, per Hinze, had been disconnected by Mclean after Takoda became unresponsive, but before 911 was called. There were no toys, books or clothes for Takoda anywhere in that house. Days after officers originally saw this attic, but before Defendants Hinze and Ebert were arrested, the attic was cleared out and cleaned and Detectives were able to see how light and clean the attic could have been if they had so chosen during Takoda's life. (State's Ex. 5 files DSC 7152-7194)

E. Takoda Collins' Nightmare Existence

After leaving the Kensington residence, the investigation continued, including interviews with defendants, teachers, other individuals, and review of the evidence. As the details unfolded it became clear that the only thing more horrific than the facts of Takoda's death, were the facts of the life he was forced to live at the hands of these three defendants.

Starting January 5, 2015, at age 7, Takoda entered Horace Mann elementary school. Although they could not know the depth of Takoda's needs, those who taught Takoda recognized

he could benefit from assistance. Although he did not have issues at school with proper restroom usage, he was sent to school daily reeking of old urine and feces. Also, on occasion he was sent to school with what would be embarrassingly bad, and potentially painful haircuts, making him vulnerable to ridicule, in addition to the ridicule he faced for the odor that emanated from him. The school was ready to help, they had donated clothes available, and a washer and dryer where his own clothes could even be washed during the day. The teachers would send Takoda to the nurse, who would assist with these issues. However, Defendant Mclean strongly refused any help, and was angry at any attempt of staff to intervene on behalf of his child. On multiple occasions Defendant Mclean called, enraged with the school for intervening. Defendant Mclean strictly instructed that the nurse could not see Takoda for any reason. The long-term school nurse recalled that during her career, Takoda was the only child for whom she had to post a note in the Nursing Office reminding staff Takoda was not to be seen by the school nurse.

Defendants Ebert and Hinze added additional insight into Takoda's life at home during his Horace Mann years. Defendant Ebert noted that Mclean would give him weird haircuts, knowing that it would cause the children would make fun of Takoda. (Ebert Proffer Ex. 8 pg. 78) Defendant Hinze noted, and teachers confirmed, Defendant Mclean wanted daily updates from teachers. Defendant Hinze would get those reports if the report and relay them to Defendant Mclean, and unknown to the teachers the reports would result in punishment for Takoda if they were anything other than glowing. (Hinze Proffer Ex. 9) Per defendant Hinze the punishment was to stand in the living room and hold a loaded book bag. *Id.* Most days of the week, from the time he got home from school, until it was bed time, this was Takoda's life. *Id.* On weekend days, if Takoda did not have a good report Takoda would be forced to stand in this position in

the living room for the entire day. *Id.* As an active child most days were less than perfect and thus his days at home were wholly consumed with this punishment pose. *Id.*

Although Takoda originally had a bedroom in the home, he lost that room after Defendants Mclean and Hinze took custody of J.N. J.N., three at the time of Takoda's death, was given the bedroom, the toys, and furniture. Takoda was sent to the attic. (Ex. 8 pg. 9)

Defendant Mclean was angry with Horace Mann and blamed the school for repeatedly sending Children Services to his house. However, when Children Services did come, the family was prepared. Defendants Mclean and Hinze instructed the Ebert and Takoda on how to act when they knocked at the door. (Ex. 8 at pg.14- 21) Defendant Ebert and Takoda were to stay behind the locked door and not be heard. *Id.* Then Defendant, per Children Services, would schedule a time for their return. Defendant Mclean had Takoda prepared to answer their questions, he was to tell them nothing and act happy. (Ex 8 pg. 14-19)

Children Services had a host of resources to offer this family, including connecting them to medical or psychological services. Defendant Mclean declined their assistance. He blamed the school and Takoda for their intrusions would take his rage out on Takoda, beating, throwing, kicking him, body slamming him. (Ex. 8 pg. 16-19) Any marks left behind, would be covered by long sleeves and pants. *Id.* Ultimately fed up with the repeated interference, in May 2018 Defendants Mclean and Hinze withdrew Takoda from school, the one place where Takoda had found at least momentary refuge during the day. In order to keep the school out of their business Defendants Mclean and Hinze wrote in false educational plans, claiming that Defendant Hinze, who represented herself as his step-mother, would be homeschooling Takoda. (Ex. 9)

By then, Takoda was largely confined to the attic for the majority of every single day. Originally, he had the entire attic. However, in November 2018 Takoda Collins, allegedly,

launched himself through an attic window, leaving the defendants no option but to take Takoda to Children's Hospital. At that time there was not an allegation of abuse, and social workers and doctors treated Takoda in the presence of Defendant Mclean, and Defendant Hinze, who again represented herself as a mother figure. During that visit psychological counseling was recommended as part of an after-care plan. However, as referenced by Dr. Liker, the family did not follow through with making appointments. (Ex. 4) When the Social Workers called Mclean and Hinze to assist in setting up that appointment, that help was declined too. During this time Defendant Mclean did call the juvenile court to inquire about services for children under 10. The Court does in fact have a program to offer services to children and families struggling with mental health or behavioral issues. However, when Defendant Mclean learned it was therapeutic help, and would not result in the child being locked up, he declined that assistance too.

After his visit to Children's Hospital Takoda was moved to the basement while the defendants walled off all the windows in the attic. When Takoda returned to his attic confinement, it was now in a smaller area, deprived of external light. And after, Defendants made sure Takoda was locked in the attic to avoid his escape. (Ex. 8 at pg. 10). In the attic, Takoda was deprived of clothing, by the time of his death, Defendant Ebert confirmed that all of Takoda's clothing had been thrown out. (Ex. 8 pg. 8) Yet despite being deprived of clothing, if Takoda came down to use the restroom, without clothes, he would be subject to discipline. (Ex. 8 at pg. 23). Defendants remedied problem of J.N. encountering a smelly, naked Takoda, by only allowing him to use the restroom when J.N. was asleep. *Id.* There seemed to be a concern that Takoda may be trying to show off his naked body for J.N., and as humiliation Defendant Mclean would call Takoda a "fag" and call him girls names all the time. *Id.*

Once confined to the attic Takoda spent all day, every day in painful torture poses created by Defendant Mclean. (Ex. 8 pg. 70-71, Ex. 9) All three Defendants watched the child from the comfort of their living room. If the child moved out of one of these horrific poses Defendant Ebert or Hinze would advise Defendant Mclean of the movement so Defendant Mclean could punish him, beating him, for disregarding the rules. (Ex. 8 pg. 71,-73, pg 80, Ex. 9) . The iPad recovered from the home had images of Takoda in these excruciating positions. (Ex. 11). He was forced to stand naked, in a dark attic, bent over so his hands were touching the floor. He was to hold this pose from when he woke, till the early hours of the morning. All day every day. (Ex. 8 pg. 70, Ex. 9) These photos, which are created over the course of years and tell the Court a great deal about what hell this child suffered under the reign of these Defendants. (See Ex. 11) But this child's reality only got worse.

As Defendant Mclean spoke to 911, Ofc. Evans and Detectives, he repeated a theme about how Takoda would not stop eating his own feces. (Ex. 3 at 6:26; 14:46, Defendant's Interview Ex. 10 at pgs. 17, 21)(Video associated with Ex. 10 previously entered at Motion to Suppress) Defendant Mclean wholly failed to mention that it was he, Mclean, that physically forced Takoda into this dehumanizing act. Per Ebert, and later confirmed by Hinze, it started as a punishment handed down by Mclean. (Ex. 8 pg. 25-28, Ex. 9). Defendant Mclean became enraged that Takoda, who was confined to an attic without access to a bathroom, had defecated on the floor. *Id.* Defendant commanded Takoda to eat the feces, when Takoda refused, Defendant Mclean retrieved a glove, picked up the excrement and forced it into Takoda's mouth forcing him to eat it. (Ex. 8 pg. 28-29) Takoda tried to refused, but Defendant Mclean forced him so he could not escape, he began gagging as was forced to chew his own feces. (Ex. 8 pg.

28-29) After that Takoda knew he was expected to eat his feces, or face more punishment. (Ex. 8 pg. 25).

F. Takoda's Last Day

The last hours of Takoda's life was detailed by Defendants Hinze and Ebert. Defendant Mclean had been out drinking. (Ex. 8 pg. 39) When he came home, he turned his anger on Takoda. Ebert from another room heard Takoda crying and saying "no more," just like he begs his father to stop all the time. (Ex. 8 pg. 40-41) Defendant Hinze had dozed off on the couch and woke to Defendant Mclean punching Takoda hard in his stomach, consistent with the internal bruising visible at autopsy. (See Ex. 9) The next morning, before J.N. woke up, Ebert called for Takoda to come down to use the restroom, Takoda was walking, but holding on to the walls. (Ex. 8 pg. 42) He would wobble and fall, and stand back up. *Id.* Defendant Mclean's response was to elbow Takoda hard in the back, and order him back upstairs. (Ex. 8 pg. 43).

Once back upstairs, Defendant Mclean gave instructions to put away his folding chair, and bend over for his punishment pose. *Id.* Because Takoda did not move fast enough, Mclean punished him. As Takoda laid down on his stomach, Defendant Mclean stood on his back, forcing all of his weight, even reaching to the ceiling to push down his weight extra hard, crushing this 10-year-olds slight body. (Ex. 8 pg. 45, 75)

After this punishment Defendant Mclean again had Takoda stand in the punishment pose and went downstairs to watch TV with Defendant Ebert and J.N. (Ex. 8 pg. 46) All the while, Defendant was yelling up at Takoda, calling him a "momma girl" and "faggot." *Id.* Defendant Mclean then took a bottle of hot sauce up to pour on Takoda's buttocks. *Id.* Defendant Mclean readily admitted that pouring hot sauce on Takoda's rectum was something he would do

as a punishment, it was one of his parenting tools, and something he did frequently even daily in the last weeks of his life, according to Defendant Ebert. (Ex. 8 pg. 13, 104-105, Ex 13 pg. 32)

Still not satisfied that Takoda was sufficiently compliant, Defendant Mclean threw the child around some more, and grabbed him by the ears, and dragged him down the steps. (Ex. 8 pg. 46). Defendant took the child into the bathroom and told him to clean his shorts, when Takoda again did not move fast enough, he was told to move faster or he was going to be drowned. (Ex. 8 pg. 47). Defendant Ebert, from the living room, then heard splashing and Takoda gasping for air. (Ex. 8 pg. 47).

Still not done, Defendant Mclean took the child back upstairs, and from the monitor Defendant Ebert could see the child lay on the lawn chair, in the fetal position as Mclean stood behind him. (Ex. 8 Pg. 47) While Defendant Mclean was standing by behind Takoda's back, Defendant Ebert could see Defendant making a repetitive motion with his hand. (Ex. 8 pg. 47) Mclean's arm motion was going back and forth by Takoda's rear-end and Ebert thought Defendant Mclean could have been using hot sauce, but when he came downstairs, he tossed the chair leg behind the dresser. (Ex. 8 pg. 52, 54) Defendant Mclean admitted during his interviews that the chair leg had damaged Takoda's rectum, but he denied that he was the one that shoved it in there. (Ex. 10 pg. 11) He tried to explain the rectal injury as self-inflicted by telling Detectives he saw Takoda "stick it in his ass." He describes asking Takoda to pull it out, and when he did, blood squirted out. *Id.* Defendant later describes Takoda inserting the leg into his anus saying "that's the kind of stuff he was into" before quickly assuring the detectives, without them asking any questions about this, that he, himself, was far from gay. (Ex. 10 pg. 18) Finally, Defendant changed the story, incredibly, to Takoda fighting to keep the chair leg in his rectum, and Defendant had to wrestle with him to get it out, and blood started squirting out. (Ex.

10 at pg. 30) Mclean claimed he took him to the tub to clean him up, but saw the injury was not too bad, just a little bit of blood and a little swollen. (Ex. 10 at pg. 30) Defendant's claimed observations is wholly inconsistent with the actual inflicted injury to this child.

After Defendant comes back downstairs and deposits the chair leg, Takoda never made another sound, he no longer incurred wrath by his perceived disobedience. (Ex. 8 pg. 48)

IV. CONSECUTIVE SENTENCES

The State requests consecutive sentencing for each of these Defendants.

To impose consecutive sentencing the Court must make findings consistent with R.C. 2929.14(C)(4), which now provides:

If multiple prison terms are imposed on an offender for convictions of multiple offenses, the court may require the offender to serve the prison terms consecutively if the court finds that the consecutive service is necessary to protect the public from future crime or to punish the offender and that consecutive sentences are not disproportionate to the seriousness of the offender's conduct and to the danger the offender poses to the public, and if the court also finds any of the following:

- (a) The offender committed one or more of the multiple offenses while the offender was awaiting trial or sentencing, was under a sanction imposed pursuant to section 2929.16, 2929.17, or 2929.18 of the Revised Code, or was under post-release control for a prior offense.
- (b) At least two of the multiple offenses were committed as part of one or more courses of conduct, and the harm caused by two or more of the multiple offenses so committed was so great or unusual that no single prison term for any of the offenses committed as part of any of the courses of conduct adequately reflects the seriousness of the offender's conduct.
- (c) The offender's history of criminal conduct demonstrates that consecutive sentences are necessary to protect the public from future crime by the offender.

V. STATE'S REQUEST FOR MAXIMUM SENTENCING

A. Defendant Ebert

Ironically when Ebert was arrested at the Kensington residence on December 20, 2019, she wore a cartoon shirt featuring the phrase “I’d help, but.... I don’t want to.” (State’s Ex. 12) But the truth of her conduct is worse, she was wholly complicit in the excessive abuse, torture, and ultimately the killing of Takoda Collins. She and her sister participated and encouraged the years of abuse and torture of this child in every way other than laying hands on him herself. She would monitor Takoda from the living room while he was in his torture poses. Although neither Ebert nor Hinze would personally beat him if he moved, they would let Mclean know so that he would punish him. They well knew Defendant Mclean’s version of punishment was excessive abuse and torture including beating Takoda, throwing him around, standing on him. Defendant Ebert also reported incidents where Mclean would strangle Takoda. (Ex. 13 pg. 31) And she knew that Defendant Mclean’s punishment regiment included physically forcing this child to eat his own feces.

She also participated wholly in the isolation of this child. She made sure he was locked in the attic. She allowed him out only when preferred child, J.N. would not have to see him. She got him Takoda up in the morning, before J.N. would need to interact with him because Takoda smelled and was naked. Defendant Ebert would then make sure he was back locked in the attic before J.N. was awake. Of these three adults who were in the role of care takers of this child, she had the opportunity to have the most contact with Takoda. She did not work, did not have a car, she was at the residence most of the time. But she simply chose not to do anything to assist this child, or improve his miserable existence in anyway. Rather, she participated in his torture.

Although ultimately, she provided details which did assist in the prosecution of Defendants Mclean and Hinze. Any remorse shown came too late to help Takoda. She was the person that spent the most time with Takoda. She probably was the child's best hope to break free from the hell he lived in. But she was just another adult, wholly invested in the abuse/torture of this child. The way she phrased it her third interview speaks volumes about her interaction and involvement with the confinement, abuse, and torture of Takoda:

And he just likes to just dance around, move around and so I just thought he was doing that just to make me mad so I can tell Al that he was just not ever listening to me – because whatever, he never listens to me, that's why I just gave up talking to him at the most part.” (Ex. 14 pg. 22-23)

It was clear that she was categorizing Takoda's behavior as disrespectful nonsense, when the child knew he was supposed to be standing in punishment positions for 7 AM until 3 to 4 AM.

Id. Her remedy was to further isolate the child by declining to even speak to him.

On the day of the death, she called Takoda down, and while the child stumbled due to weakness she, like Defendant Mclean and Hinze, categorized it as “putting on a show like he always does.” (Ex. 14 pg. 15). She watched from the monitor while Defendant Mclean inflict fatal injuries on this child and simply carried on caring for J.N. After a while she went to bed, she was awoken by Defendant Hinze who said Takoda was not breathing. (Ex. 14 pg. .34)

Rather than help, or even call 911, these Defendants turned their backs on Takoda one last time and walked out the door with J.N.

Of the three, Defendant Ebert was the quickest to start to tell the horrors of Takoda's life. However, even then she initially withheld information connecting Defendant to the rape of Takoda with the chair leg. It is true that she did proffer and plea even before the Grand Jury considered homicide charges. However, it is also true that remorse simply came too late to help Takoda. Even by her own words she was fully invested with the torture. Her decisions, for

years, to participate with Defendant Mclean's scheme of torture, excessive abuse, and captivity made her fully part of this child's nightmare existence. Even when she witnessed Defendant Mclean force-feed this child his own feces she carried on with her role. Where she could have offered refuge, or at least kindness she chose to simply stop talking to the captive.

For the charges of Manslaughter Felony Three, and Child Endangering, Torture, she should face an extensive period of imprisonment. Her conduct justifies maximum and consecutive sentencing as there is no worse form of these offense that what these three defendants did against this child.

B. Defendant Hinze

Defendant Hinze inserted herself into Takoda's life as the mother figure. She held herself out to the school, to Children's Hospital as Takoda's step-mother. She had assured Takoda's maternal grandmother she would care for Takoda as her own child. Most devastatingly she held herself out to Takoda as a mother figure, he called her mom. This was the person Takoda should have looked to for love, for help, for safety. But instead of protecting and caring for this child, she facilitated and participated in his isolation and torture. Meanwhile, Takoda bore witness to her demonstrating love and care to another child. Another child, who witnessed Takoda being treated worse than an animal, and could watch his captivity on the television with the defendants.

Defendant Hinze provided the residence, worked a job, was in and out of the house, and could have gotten help and ended this hell. Rather than end this child's torment, she facilitated it by wholly isolating him when she and Defendant Mclean withdrew Takoda from school. The plan to withdraw would only work if an adult with a diploma provided an education plan. It was Hinze that prepared those documents, made the false promise of home education, only to achieve

the goal of entirely isolating this child from anyone that might try to help him- or try to intervene in their “parenting.”

Although she did plea and agree to testify very shortly before Mclean pled, it was again, too little too late to help Takoda. Moreover, her attitude throughout has shown no remorse for her deplorable conduct. Rather, she, like Defendant Mclean, appear to have seen nothing wrong with the horrendous torture they inflicted on this child. She like her boyfriend Mclean, justified their actions by blaming Takoda’s behavior. These defendants were in lockstep in the decisions that they made during Takoda’s life, and in lockstep with their version of events after Mclean killed Takoda. The horrific truth is- they do not appear then, or now, to understand the depravity with which they tortured this child.

Nothing makes their joint position clearer than State’s Exhibit 18, a recorded jail visitation between Defendants Mclean and Hinze recorded in the short time wherein Defendant Mclean had been charged and arrested, but Defendant Hinze was not yet in custody. The two commiserate about the living conditions they provided Takoda being the best they could do, “what more could we have done?” they rhetorically asked each other. (Ex. 15 Clip 1 6:23-6:40; Clip 4 15:55) They told each other that Defendant Hinze was doing a great job working and supporting the family and being head of household. (Ex. 15 Clip 3 12:18) They comforted each other that the tarp was needed, everything they did to Takoda, every bruise, was necessary. (Ex. 15 Clip 2 1:30-1:57) While Defendant Mclean tried to talk to her about his story that Takoda did the chair leg thing to himself, Hinze denied knowledge of that, but they were on the same page that their story is Defendant Mclean did everything he could to stop Takoda from hurting himself. (Ex. 15 Clip 1 9:45-10:08) Defendants complained every day it was a new show and blamed Takoda for always shaking his butt. (Ex. 15 Clip 1 10:08-10:28) She assured

Defendant Mclean they were in this together. (Ex. 15 Clip 1 10:08-10:28) They reminded each other how bad Takoda smelled, of feces and urine, and were angry the police were saying Takoda would eat his own poop for nutrition. (Ex. 15 Clip 2 7:40-7:46) They even complained about how bad the attic started to smell, and the feces left there after Takoda was confined there without access to a bathroom. (Ex. 15 Clip 3 5:33)

But throughout their lamenting they wholly skip the part where they were the ones responsible for locking the child in an attic; they were responsible for Takoda having no clothes; they were the ones responsible for Takoda having no access to a restroom. They forgot to mention they were the ones responsible for how Takoda smelled. In fact, they applauded themselves for giving Takoda a bucket to clean up after himself, they ponder ‘what more could they have done’? (Ex. 15 Clip 3 at 12:45) But they wholly failed to mention Defendant Mclean, picking up Takoda’s feces, with a gloved hand, forcing it into to Takoda’s mouth and forcing the child to eat it.

They are also wholly in agreement with a joint defense strategy of discrediting Defendant Ebert to law enforcement. (Ex. 15 Clip 1 9:20; Ex. 15 Clip 4 14:15-49) They commiserate no one would help them, he was too young for help. (Ex. 15 Clip 1 14:20-14:45) But these Defendants conveniently leave out of their repertoire of laments that they were offered resources by the school, juvenile court, children’s services, and Children’s Hospital and refused those offers at each and every turn because they were not interested in mental health help- they wanted him punished.

They also complained about the overreaching police department and claimed together that Takoda was not all that injured, while they tried to convince themselves the child just had a heart attack. (Ex. 15 Clip 1 16:50-18:13) The couple was outraged that the police are focused

on proving that he was a terrible father. (Ex. 15 Clip 2 14:05- 14:15) And Defendant Hinze assured boyfriend Mclean, who force fed the child feces, and then murdered him, that he is a good dad, and a good person. (Ex. 15 Clip 2 14:05- 14:15, Clip 6 8:21-9:08) They affirmed to each other that if Takoda was here he would speak for them. (Ex. Clip 15 at 14:44)

Defendant Hinze is so committed to freeing her unjustly accused murderous boyfriend that she even created a go-fund me account, in Takoda's name to help Defendant Mclean. (Ex. 15 Clip 1 8:15-8:25) But rather than the murder, or even tragic death of Takoda, what she was most focused on throughout the call, and throughout the week before her arrest is getting J.N. back. In efforts to get J.N. she appeared and testified in juvenile court requesting visitation of J.N. in the week prior to her arrest. She even testified about the events surrounding Takoda's death. She admitted the Takoda was not breathing and she did not call 911. (Juvenile Court Transcript Ex. 16 pg. 39) She admitted to taking J.N. and leaving the house without calling 911, knowing that Takoda needed medical care. (Ex. 16 pg. 40) And she admitted that she knew that delaying medical aid even for minutes and seconds mattered to the life of Takoda. (See Ex. 16 pg. 40). Even still, she and boyfriend Mclean were outraged that the State was suggesting she is unfit to care for J.N. (Ex. 15 Clip 2 :8:50)

Defendant Hinze assumed an affirmative duty to care for this child when she inserted herself in the role of mother. That is not a role that can be abandoned just because you find a child you like better. She and Mclean acted together as a team. It was her presence in Takoda's life as a step-mother that lent the appearance of stability when dealing with potentially intervening forces such as the school, the hospital and children services. It was her setting out an education plan that firmly sealed this child's fate, removing him from any hope of rescue.

They were a team. The rhetoric they told themselves about Takoda, and their parenting skills emboldened Mclean to inflict unimaginable, constant torture on this child. Torture she saw, torture she would cause when she reported Takoda moved from a punishment position again. On the day Takoda needed her the most, she failed him one last time. She grabbed the preferred child, and her sister, and left Takoda unresponsive and badly in the need of medical care. She could not even be bothered to make a 911 call.

By agreement the charges to which she pled do not merge. But more importantly they all reflect separate horrific conduct, which justifies, and necessitates consecutive sentences.

Count 6 of the B indictment charges for her complete failure to care for the health and safety of Takdoda Collins from the time he entered Horace Mann, until he launched himself out of the attic where he was confined and required surgical intervention. She assumed the role of parent and did nothing to tend to his medical needs, emotional needs, psychological needs, educational needs- any of his basic human needs. This is conduct separate and apart from her other charged crimes, and should be punished separately.

Count Four of the original indictment charges for the cruel restraint of keeping a child confined to an attic for the year from when he launched himself out of the window, until the date of death. The cruel restraint charge addresses the vile conditions she kept this child in, naked, denied basic necessities, should be sentenced and charged separately and consecutive to all other charges. The horror that child faced, by that extended confinement is unthinkable.

Count Three of the original indictment relates to the torture that was inflicted on this young child. Takoda was not just held captive in an attic and deprived of necessities. His existence was far more unbelievably horrific- he was forced to stand in what must have been unbearable punishment poses for twenty hours a day every day of his life. The punishment for

moving, was to be beaten, strangled, stood on, drowned, doused with hot sauce, or at least on one occasion forcibly raped. This is wholly sperate from the trauma and harm inflicted by the other counts.

And most certainly, the fact that the abuse got worse, and more severe, she continued to do nothing to assist child, culminating in walking away without so much as a 911 call, on the day he suffered fatal injury, that lead to his death, is most worthy of consecutive sentencing.

Any remorse shown now is too little, too late to help Takoda. Her conduct in Takoda's life and death is worthy of maximum consecutive sentences. Moreover, her long-term endorsement and participation in these unimaginable acts makes her very dangerous. As such for the protection of the community, and to adequately punish her conduct, maximum and consecutive sentencing is justified.

C. Defendant Mclean

Defendant Mclean has shown absolutely no remorse for the horrific life and death of his child. Rather, from the time he called 911 he attempted to claim the role of the victim in this case. Even on his jail call, after he has murdered his own child, after years of horrific torture and abuse, he complained about his own discomfort: he needs clothes, it smells, he's been denied undergarments, he is cold, he is hungry, he only gets three cold meals a day, that his bunk is too hard, or he is concerned for his safety. (Ex. 15 Clip 1 1:55, 18:58, Clip 3 00:55, 8:50, Clip 4 19:45-57) He wholly failed to acknowledge that he was living a dream compared to the nightmare he subjected his son to for years. Being naked, cold and hungry were the least of Takoda's problems. Defendant and his partners, forced Takoda into painful torture poses, which he was forced to hold for twenty hours a day, every day. In the prison ran by Defendant Mclean, his 10 year old captive was force fed his own feces, severely beaten, strangulation,

crushing weight on his body, rape with a foreign object, and ultimately, at Defendant's Mclean had given the death penalty.

As with Hinze, each of Defendant's charges reflect separate and distinct horrors that he imposed on Takoda Collins. As such each charge should be separately and consecutively punished. Just as he separately inflicted punishment on Takoda each time he dared to move or fall out of a twenty hour punishment pose.

Defendant Mclean, while complaining about the injustice of his own incarceration, asserted to Hinze that if Takoda was here he would speak up for him. (State's Ex. 15 Clip 2 14:42) But Takoda never had a voice, this Defendant made sure of it. When Takoda was in school, he was isolated into silence. He was sent in filthy clothes, sent with embarrassing hair cuts, and smelled of feces. In this manner Defendant kept people away from Takoda. When teachers and the nurse spoke up for Takoda, Defendant silenced them demanding they not treat his child anymore. When the school would not stop speaking up for Takoda, he forever silenced the school by withdrawing Takoda from their protection. He silenced him in the home by forcing him to live in a dark attic, naked and alone. He silenced him with brutal punishment poses every day of his life, all day. He silenced Takoda by brutally beating him, throwing him around, strangling, pressing down on his body with his weight so he could not breathe whenever the child dare move from the excruciating punishment poses. He silenced Takoda when he shoved feces into his mouth. He silenced Takoda when, on the day of his death he crushed the life out of him, standing on him with all of his weight. He silenced Takoda when, he shoved a chair leg deep into the rectum of his already bruised and battered child, causing horrific ripping, bruising and what must have been excruciating pain.

Takoda may have been silenced but the wounds to his body externally and internally, tell of the damage Defendants did. The photos on the iPad, the conditions of the room, speak of the hell this Defendant inflicted on him, over the course of years. And those wounds and scars, and this history, cry out for justice.

The State urges this Court to impose the maximum 51 years to life. Defendant is dangerous, and without remorse. For the protection of society and so as not to demean the seriousness of the horrific nature of his actions during the life and death of Takoda the maximum sentence is necessary.

Respectfully Submitted,

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CERTIFICATE OF SERVICE

I hereby certify that on the date of filing, I electronically filed the foregoing with the Clerk of Court using the CMF/ECF system, which will send notification of such filing to the Attorney(s) for Defendant.

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