

IN THE SUPREME COURT OF OHIO

STATE OF OHIO, :
 :
 Plaintiff-Appellee, :
 :
 -vs- : CASE NO. 2016-1006
 :
 MICHAEL MADISON, : **This is a capital case.**
 :
 Defendant-Appellant. :

ON APPEAL FROM THE COURT OF
COMMON PLEAS OF CUYAHOGA COUNTY
CASE NO. CR-13-579539

APPELLANT MADISON'S MOTION FOR STAY OF EXECUTION
(Execution date is July 20, 2017)

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Counsel for Appellant Michael Madison

IN THE SUPREME COURT OF OHIO

STATE OF OHIO, :
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 -vs- : CASE NO. 2016-1006
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APPELLANT MADISON’S MOTION FOR STAY OF EXECUTION

(Execution date is July 20, 2017)

Appellant Michael Madison, through counsel, moves this Court to stay his execution, set in the trial court’s sentencing journal entry for July 20, 2017, pending final disposition of his direct appeal as of right and any state post-conviction proceedings. The reasons for this request are set forth more fully in the attached memorandum.

Respectfully submitted,

/s/ Timothy F. Sweeney

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COUNSEL FOR APPELLANT

MEMORANDUM IN SUPPORT

Michael Madison was convicted of, *inter alia*, aggravated murder and sentenced to death by a jury and judge in the Cuyahoga County Court of Common Pleas. He is currently before this Court on an appeal as of right. The Notice of Appeal was filed on July 8, 2016.

In the trial court's sentencing journal entry (**Exhibit A** hereto), the court set Mr. Madison's execution date for July 20, 2017.

Madison has a right to a direct appeal to the Ohio Supreme Court under Ohio Const. art. IV, § 2(B)(2)(c). In McDonald v. Missouri, 464 U.S. 1306 (1984), the United States Supreme Court stated that every defendant who has a right of direct review from a sentence of death is entitled to have that review before paying the ultimate penalty. Accordingly, a stay is warranted to allow Madison adequate time to seek direct review of his conviction and sentence and to pursue state post-conviction remedies. See State v. Steffen, 70 Ohio St. 3d 399, syl. (1994) (capital defendant entitled to stay of execution to seek both direct review and state post-conviction remedies).

Under the deadlines for briefing in this case as they presently stand, Madison's appellate brief is not due until July 2017, and this case will thus not be resolved until well after the current execution date of July 20, 2017. Madison seeks this Stay of Execution to allow a thorough and considered review of his conviction and sentence both in direct appeal and in state post-conviction proceedings.

Therefore, Michael Madison respectfully requests this Court to stay his execution, pending the final disposition of this direct appeal and any state post-conviction proceedings.

Respectfully submitted,

/s Timothy F. Sweeney

Timothy F. Sweeney (0040027)
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COUNSEL FOR APPELLANT

CERTIFICATE OF SERVICE

I hereby certify that a copy of the foregoing APPELLANT MADISON'S MOTION FOR STAY OF EXECUTION was served by regular U.S. Mail, first-class postage pre-paid on Michael C. O'Malley, Cuyahoga County Prosecutor, and Christopher Schroeder, Assistant Prosecuting Attorney, Cuyahoga County Prosecutor's Office, 1200 Ontario Street, 8th Floor, Cleveland, Ohio 44113, this 4th day of May 2017, and also by email to cschroeder@prosecutor.cuyahogacounty.us this same date.

/s Timothy F. Sweeney

Timothy F. Sweeney
Counsel for Michael Madison

EXHIBIT A

IN THE COURT OF COMMON PLEAS
CUYAHOGA COUNTY, OHIO

FILED

2016 JUN -8 P 12: 34

STATE OF OHIO)
)
Plaintiff)
)
vs)
)
MICHAEL MADISON)
)
Defendant)

CASE NO. CR 570589)
CLERK OF COURTS)
CUYAHOGA COUNTY)
JUDGE NANCY R. McDONNELL)

SENTENCING OPINION
ON MICHAEL MADISON

On May 12, 2016, the defendant was found guilty of Counts 1 and 2, the Aggravated Murder of Shetisha Sheeley, Counts 4 and 5, the Aggravated Murder of Angela H. Deskins and Counts 7 and 8, the Aggravated Murder of Shirellda Terry. Counts 1, 2, 4, 5, 7 and 8 each allege a Course of Conduct Specification as well as a Felony Murder Specification setting forth the offense of Kidnapping. In addition, Counts 7 and 8 further allege a second Felony Murder Specification for Rape. The Court merges Counts 1 and 2; Counts 4 and 5; and Counts 7 and 8 for purposes of sentencing. The State elected that the defendant be sentenced on Counts 1, 4 and 7, each alleging that the aggravated murders were committed with prior calculation and design.

The jury found that the State failed to prove beyond a reasonable doubt the firearm specifications attached to various counts of the Indictment.

The defendant was also convicted of kidnapping in Counts 3, 6 and 9 as to Shetisha Sheeley, Angela H. Deskins and Shirellda Terry respectively. Additionally, the defendant was found guilty in Count 10 of the rape of Shirellda Terry. Finally, the defendant was found guilty of Abuse of a Corpse as to Shetisha Sheeley, Angela H. Deskins and Shirellda Terry in Counts 12, 13 and 14.

The Having Weapons Under Disability charge in Count 11 and the Sexually Violent Predator Specifications in Counts 1 – 10 were tried to the Court after the defendant waived his right to a jury trial on those matters. The defendant was convicted of the Having Weapons Under Disability charge as well as the Sexually Violent Predator Specifications.

On May 19, 2016, the penalty phase began. As the defendant was found to be a Sexually Violent Predator, the only sentencing options are Life Without Parole and Death.

AGGRAVATED CIRCUMSTANCES

The aggravated circumstances which are to be weighed against the mitigating factors are as follows:

1. That the Aggravated Murder was part of a Course of Conduct involving the purposeful killing of or attempt to kill two or more persons, namely Shetisha Sheeley, Angela H. Deskins and Shirellda Terry.
2. That the offense at bar was committed, while the offender was committing, attempting to commit, or fleeing immediately after committing or attempting to commit Kidnapping and either the offender was the principal offender in the commission of the Aggravated Murder or, if not the principal offender, committed the Aggravated Murder with prior calculation and design.
3. As to Count 7 only, that the offense at bar was committed while the offender was committing, attempting to commit, or fleeing immediately after committing or attempting to commit Rape, and either the offender was

the principal offender in the commission of the Aggravated Murder or, if not the principal offender, committed the Aggravated Murder with prior calculation and design.

A. Course of Conduct.

The evidence demonstrated that Shetisha Sheeley, Angela H. Deskins and Shirellda Terry were all murdered by the defendant as part of a Course of Conduct spanning the time period from September 25, 2012 through July 10, 2013. All three women were found in close proximity to defendant's apartment. Shirellda Terry was discovered in the defendant's garage, Shetisha Sheeley in an adjacent field and Angela H. Deskins in the basement of an abandoned house neighboring defendant's apartment building. In fact, the location of the remains of all 3 victims were visible from defendant's back porch. Shetisha Sheeley and Angela H. Deskins died by means of strangulation and Shirellda Terry by homicidal violence by unspecified means. Each woman was folded in half and bound. Each woman was nude from the waist down. Each woman was discovered in multiple layers of heavy construction bags. Each bag was criss-crossed with duct tape. All of the above makes clear that the purposeful killing of Shetisha Sheeley, Angela H. Deskins and Shirellda Terry were part of a course of conduct by the defendant. This aggravated circumstance is afforded great weight.

B. Felony Murder Specification – Kidnapping.

The evidence established that the aggravated murders were committed while the defendant was committing the offense of Kidnapping and the defendant was the principal offender and committed the offense with prior calculation and design.

There was absolutely no evidence introduced that anyone other than the defendant was involved in the deaths of Shetisha Sheeley, Angela H. Deskins and Shirellda Terry. Furthermore, the element of prior calculation and design is obvious from the facts. First, the accused knew all three victims. Next, the defendant gave thought to his actions by choosing both the site, his apartment, and the means. Thirdly, the aggravated murders were not spontaneous fits of rage. He lured all three back to the privacy of his apartment where he would end their lives and then painstakingly prepare and dispose of their bodies. Most importantly, the acts were drawn out. Dr. Timm, of the coroner's office, testified it takes three to five minutes to strangle a human to death and may take longer if the victim is struggling.

As to the Kidnappings themselves, with regard to Shetisha Sheeley, testimony revealed the defendant and she met at the Honey Do Bar, and he deceptively invited her back to his apartment possibly for paid sexual services. The defendant struck her on her face as was documented in the autopsy. The defendant himself admitted Shetisha Sheeley tried to leave, but he would not let her and at that time he choked her. Clearly, she was restrained of her liberty.

As to Angela H. Deskins, phone records show communications between the defendant in the weeks leading up to her death. The last call on Angela H. Deskins' phone was with the defendant. Angela H. Deskins was never heard from again. Much like Shetisha Sheeley, the defendant lured this victim to his home with the intent to kill. And like Shetisha Sheeley, he

choked Angela H. Deskins in an act which took significant time and force restraining her of her liberty.

Turning to the Kidnapping of Shirellda Terry, numerous text messages were presented confirming an ongoing conversation between the 35-year old defendant and the 18-year old victim. The two met while walking in East Cleveland. The defendant deceived Shirellda Terry into believing a number of untruths about himself. He said he was 25, had a job working on houses and had no children. In fact, the defendant was 35, had two children and his only source of income was dealing drugs. These lies were an attempt to deceive Shirellda Terry. The defendant wanted Shirellda Terry to come to his house, but she cautiously declined. On a day they were to meet in public, it was raining. He then deceptively lured her into his apartment where he killed her by homicidal violence of unspecified means.

The aggravated circumstance of Felony Murder – Kidnapping as to all three women carries great weight.

C. Felony Murder Specification – Rape.

Evidence proved that the Aggravated Murder of Shirellda Terry was committed while the defendant was committing the offense of Rape and that the defendant was the principal offender and committed the offense with prior calculation and design.

The evidence of principal offender and prior calculation and design were analyzed in Part “B” above and the same conclusion can be made herein.

As to the Rape, Dr. Timm of the County Coroner’s Office testified that a gaping slash from Shirellda Terry’s vagina to her anus was noted upon autopsy. Dr. Timm was able to opine that the

instrumentality was used while the victim was still alive. Photos depicting the injury were admitted. The Aggravated Circumstance of Felony Murder – Rape carries great weight.

MITIGATING FACTORS

The defendant, in his case, introduced some exhibits as well as the testimony of forensic psychologists Dr. David L. Davis, Dr. Mark Cunningham and James Aiken, a prison expert. The State presented Dr. Steven Pitts in rebuttal.

The Court considered all of the mitigating factors presented at both the trial and penalty phases. The Court did not limit its consideration to the specific mitigating factors argued. Rather, the Court considered any and all other mitigating factors which were supported by the evidence that weighed in favor of Life without Parole. The Court did not find anything mitigating in the nature and circumstances of the Aggravated Murders.

A. Relationship with Children.

At the conclusion of the penalty phase in defendant's closing argument two photographs were shown of the defendant with two children. There was no testimony concerning these pictures, and they were not sought to be admitted. There was minimal testimony concerning defendant's interaction with his children during either phase. This factor is given no weight.

B. Adaptability to Prison.

James Aiken, a prison expert with considerable experience in Corrections, was called by the defense at the Mitigation Phase. He indicated that the defendant's risk of danger to himself, inmates and staff are extremely low based on an assessment of numerous factors. Mr. Aiken further testified the defendant would most likely adapt well to prison and could in some way lead a productive life. This mitigating factor is accorded minimal weight.

C. Substance Abuse.

Next, the defense raised the defendant's substance abuse as a mitigatory factor. At the outset, no reliable evidence was introduced that the defendant was under the influence of either alcohol or any illicit substance at the time of the Aggravated Murder of Shetisha Sheeley, Angela H. Deskins and Shirellda Terry. Defendant's claims of substance abuse professed at the very lengthy audiotaped interview with the police seems feigned and contrived to absolve himself of any responsibility. The evidence leading up to the last killing, that of Shirellda Terry, shows text messages with a number of women with whom he was able to maintain relationships unbeknownst to the others. Additionally, when the defendant learned the police were conducting an investigation at his apartment in the days after the Aggravated Murders and upon discovery of the body of Shirellda Terry, he was able to operate a motor vehicle and devise a plan to hide at his mother's house. During the lengthy videotaped interrogations by both the East Cleveland and Cleveland Police Departments, there were no signs of withdrawal.

As relates to all three women, the defendant had the presence of mind to carefully and methodically dispose of their bodies to prevent detection. This contradicts any suggestion that the defendant was significantly impaired.

Evidence was introduced that the defendant abused drugs, primarily marijuana and alcohol. This mitigatory factor is entitled to some very slight weight.

D. Defendant's Background and Childhood.

The defense presented the testimony of Dr. James Davis and Dr. Mark Cunningham to explain the defendant's conduct as a result of his background and childhood. The toxic culture of defendant's upbringing is undeniable. The record is replete with instances of emotional and physical abuse of the defendant by his own mother and her various partners and love interests. He was abandoned by his father.

The Department of Children and Family Services became involved with the family. Subsequently, while the defendant was very young, inadequate measures were taken to protect the defendant and his brother. He was irresponsibly permitted to live with family members who exposed him to inappropriate sexual behaviors and lifestyles.

Dr. Cunningham testified that all of the negative experiences of his childhood caused a foregone trajectory leading up to the murders. However, Dr. Cunningham further testified that this in no way excuses his conduct but rather explains his actions. Dr. Cunningham also spent a considerable amount of time discussing the intergenerational dysfunction of the defendant's family.

The family has been riddled with substance abuse; physical, emotional and perhaps sexual abuse; unstable living conditions; and lack of caring and empathy.

Dr. Steven Pitts testified in rebuttal of Dr. Cunningham. While he agreed that there was abuse and dysfunction, he did not subscribe to a foregone trajectory necessarily resulting in the aggravated murders of the three victims. As to the intergenerational dysfunction, Dr. Pitts opined there is no hereditary component to murder.

The mitigation factor relating to the defendant's background and childhood is given greater weight than the other factors, but it is not given great weight.

In weighing the aggravated circumstance against the mitigating factors the other offenses of which the defendant was convicted were not considered. The mitigating factors were weighed both singularly and cumulatively.

Upon consideration of the relevant evidence, testimony and exhibits admitted in mitigation, it is the judgment of this Court that the aggravating circumstances of Course of Conduct, Felony Murder – Kidnapping and Felony Murder – Rape, of which the defendant was convicted outweigh the mitigating factors by proof beyond a reasonable doubt.

Accordingly, the Sentence of Death is imposed upon the defendant Michael Madison on Counts 1, 4 and 7.

Date: June 8, 2016

THE STATE OF OHIO Cuyahoga County	} SS. I, THE CLERK OF THE COURT OF COMMON PLEAS WITHIN AND FOR SAID COUNTY,
HEREBY CERTIFY THAT THE ABOVE AND FOREGOING IS TRULY TAKEN AND COPIED FROM THE ORIGINAL <u>CRIMINAL</u> <u>Sentencing Opinion</u>	
NOW ON FILE IN MY OFFICE.	
WITNESS MY HAND AND SEAL OF SAID COURT THIS <u>29</u>	
DAY OF <u>June</u> A.D. 20 <u>16</u>	
CUYAHOGA COUNTY CLERK OF COURTS	
By <u>Darlene McEffer</u> , Deputy	

Copy to: Timothy J. McGinty, Cuyahoga County Prosecutor
David Grant, Esq.
Mary Cay Tylee, Esq.



94444187

**IN THE COURT OF COMMON PLEAS
FILED
CUYAHOGA COUNTY, OHIO**

THE STATE OF OHIO
Plaintiff

2016 JUN -8 P 12: 41

Case No: CR-13-579539-A

MICHAEL MADISON
Defendant

CLERK OF COURTS
CUYAHOGA COUNTY

Judge: NANCY R MCDONNELL

INDICT: 2903.01 AGGRAVATED MURDER /FRM1 /NPC
/RVOS /SMS /SVPS /CCS /FMS
2903.01 AGGRAVATED MURDER /FRM1 /NPC
/RVOS /SMS /SVPS /CCS /FMS
2905.01 KIDNAPPING /FRM1 /NPC /RVOS /SMS
/SVPS
ADDITIONAL COUNTS...

JOURNAL ENTRY

PROSECUTORS TIMOTHY MCGINTY, ANNA FARAGLIA, BRENT KIRVEL, AND CHRIS SCHROEDER PRESENT.
DEFENDANT IN COURT. COUNSEL DAVID L GRANT, MARY CAY TYLEE, CHRIS JULIAN, AND LINDA HRICKO
PRESENT.

COURT REPORTER KERRI NESTOR PRESENT.

ON A FORMER DAY OF COURT THE JURY RETURNED A VERDICT OF GUILTY OF AGGRAVATED MURDER 2903.01 A
UN WITH SEXUAL MOTIVATION SPECIFICATION(S) 2941.147, COURSE OF CONDUCT SPECIFICATION(S), FELONY
MURDER SPECIFICATION(S) UNDER COUNT(S) 1, 4, 7 OF THE INDICTMENT.

ON A FORMER DAY OF COURT, THE JURY RETURNED A VERDICT OF NOT GUILTY OF FIREARM SPECIFICATION(S)
- 1 YEAR (2941.141) AS CHARGED IN COUNT(S) 1, 4, 7 OF THE INDICTMENT.

ON A FORMER DAY OF COURT THE JURY RETURNED A VERDICT OF GUILTY OF AGGRAVATED MURDER 2903.01 B
UN WITH SEXUAL MOTIVATION SPECIFICATION(S) 2941.147, COURSE OF CONDUCT SPECIFICATION(S), FELONY
MURDER SPECIFICATION(S) UNDER COUNT(S) 2, 5, 8 OF THE INDICTMENT.

ON A FORMER DAY OF COURT, THE JURY RETURNED A VERDICT OF NOT GUILTY OF FIREARM SPECIFICATION(S)
- 1 YEAR (2941.141) AS CHARGED IN COUNT(S) 2, 5, 8 OF THE INDICTMENT.

ON A FORMER DAY OF COURT THE JURY RETURNED A VERDICT OF GUILTY OF KIDNAPPING 2905.01 A(3) F1 WITH
SEXUAL MOTIVATION SPECIFICATION(S) 2941.147 UNDER COUNT(S) 3, 6 OF THE INDICTMENT.

ON A FORMER DAY OF COURT, THE JURY RETURNED A VERDICT OF NOT GUILTY OF FIREARM SPECIFICATION(S)
- 1 YEAR (2941.141) AS CHARGED IN COUNT(S) 3, 6 OF THE INDICTMENT.

ON A FORMER DAY OF COURT THE JURY RETURNED A VERDICT OF GUILTY OF KIDNAPPING 2905.01 A(3) F1 WITH
SEXUAL MOTIVATION SPECIFICATION(S) 2941.147 UNDER COUNT(S) 9 OF THE INDICTMENT.

ON A FORMER DAY OF COURT THE JURY RETURNED A VERDICT OF GUILTY OF RAPE 2907.02 A(2) F1 UNDER
COUNT(S) 10 OF THE INDICTMENT.

ON A FORMER DAY OF COURT, THE JURY RETURNED A VERDICT OF NOT GUILTY OF FIREARM SPECIFICATION(S)
- 1 YEAR (2941.141) AS CHARGED IN COUNT(S) 10 OF THE INDICTMENT.

ON A FORMER DAY OF COURT THE JURY RETURNED A VERDICT OF GUILTY OF OFFENSES AGAINST HUMAN
CORPSE 2927.01 B F5 UNDER COUNT(S) 12, 13, 14 OF THE INDICTMENT.

ON A FORMER DAY OF COURT, THE JURY RETURNED A VERDICT OF NOT GUILTY OF FIREARM SPECIFICATION(S)
- 1 YEAR (2941.141) AS CHARGED IN COUNT(S) 12, 13, 14 OF THE INDICTMENT.

ON A FORMER DAY OF COURT, THE COURT FINDS DEFENDANT GUILTY OF THE SEXUALLY VIOLENT PREDATOR
SPECIFICATIONS IN COUNTS 1, 2, 3, 4, 5, 6, 7, 8, 9, 10 OF THE INDICTMENT.

ON A FORMER DAY OF COURT, THE COURT FINDS DEFENDANT GUILTY OF HAVING A WEAPON WHILE UNDER
DISABILITY 2923.12 A(2) F3, AS CHARGED IN COUNT 11 OF THE INDICTMENT. COURT FINDS DEFENDANT IS THE
OWNER AND/OR POSSESSOR OF A FIREARM SERIAL NUMBER 5812786.

THE COURT CONSIDERED ALL REQUIRED FACTORS OF THE LAW.

THE COURT FINDS THAT PRISON IS CONSISTENT WITH THE PURPOSE OF R. C. 2929.11.

SENT
06/02/2016



94444187

**** CAPITAL SENTENCING. ****

THE COURT IMPOSES A PRISON SENTENCE AT THE LORAIN CORRECTIONAL INSTITUTION.
COUNTS 1 AND 2 MERGE; COUNTS 4 AND 5 MERGE; COUNTS 7 AND 8 MERGE.
STATE ELECTS DEFENDANT TO BE SENTENCED ON COUNTS 1, 4 AND 7.
DEFENSE ATTORNEY SPEAKS. DEFENDANT IS GIVEN THE OPPORTUNITY TO SPEAK. STATE SPEAKS.
COUNT 1: DEATH
COUNT 4: DEATH
COUNT 7: DEATH

*** NON CAPITAL SENTENCING. ***

DEFENSE ATTORNEY SPEAKS. DEFENDANT IS GIVEN THE OPPORTUNITY TO SPEAK. STATE SPEAKS, VICTIM REPRESENTATIVES INCLUDED.

THE COURT IMPOSES A PRISON SENTENCE AT THE LORAIN CORRECTIONAL INSTITUTION.
COUNT 3, KIDNAPPING, FEL-1, (SHETISHA SHEELY): 11 YEARS. MANDATORY 5 YEARS PRC.
COUNT 6, KIDNAPPING, FEL-1, (ANGELA DESKINS): 11 YEARS. MANDATORY 5 YEARS PRC.
COUNT 9, KIDNAPPING, FEL-1, (SHIRELLDA TERRY): 11 YEARS. MANDATORY 5 YEARS PRC.
COUNT 10, RAPE, FEL-1, (SHIRELLDA TERRY): 11 YEARS TO LIFE. MANDATORY 5 YEARS PRC.
COUNT 11, HWWUD, FEL-3: 3 YEARS. 3 YEARS MANDATORY PRC.

- AS TO COUNT 11: DEFENDANT TO FORFEIT TO THE EAST CLEVELAND POLICE DEPARTMENT: GUN, SERIAL # 5812786.

COUNT 12, GROSS ABUSE OF CORPSE, FEL-5 (SHETISHA SHEELY): 1 YEAR. 3 YEARS DISCRETIONARY PRC.
COUNT 13, GROSS ABUSE OF CORPSE, FEL-5 (ANGELA DESKIN): 1 YEAR. 3 YEARS DISCRETIONARY PRC.
COUNT 14, GROSS ABUSE OF CORPSE, FEL-5 (SHIRELLDA TERRY): 1 YEAR. 3 YEARS DISCRETIONARY PRC.
COUNTS TO BE SERVED CONSECUTIVELY WITH EACH OTHER, FOR AN AGGREGATE SENTENCE OF 50 YEARS.
SENTENCE TO RUN CONCURRENT TO CR 576419.

FINDINGS FOR CONSECUTIVE SENTENCE: 1. NECESSARY TO PROTECT THE PUBLIC; 2. NECESSARY TO PUNISH YOU; 3. THE SENTENCE IS NOT DISPROPORTIONATE TO OTHER SENTENCES IMPOSED FOR SIMILAR CONDUCT; 4. HARM IS SO GREAT OR UNUSUAL THAT A SINGLE TERM DOES NOT ADEQUATELY REFLECT THE SERIOUSNESS OF THE CONDUCT; 5. CRIMINAL HISTORY SHOWS THAT CONSECUTIVE SENTENCES ARE NEEDED TO PROTECT THE PUBLIC.

*** DEFENDANT IS DETERMINED TO BE A TIER III SEX OFFENDER/CHILD OFFENDER REGISTRANT. *** COURT EXPLAINED ALL DEFENDANT'S REGISTRATION DUTIES AS A TIER III SEX OFFENDER. DEFENDANT, WHEN NOT INCARCERATED UNDER ANY OF THE SENTENCES MUST PERSONALLY REGISTER HIS RESIDENCE, EMPLOYMENT OR SCHOOL (OR INSTITUTION OF HIGHER EDUCATION) ADDRESSES WITH THE COUNTY SHERIFF OF THE COUNTY CONTAINING THESE ADDRESSES AND VERIFY SAME FOR LIFETIME WITH IN PERSON VERIFICATION EVERY 90 DAYS BY PERSONALLY APPEARING AT THE SHERIFF'S OFFICE. HE MUST GIVE 20 DAYS PRIOR NOTICE OF ANY RESIDENCE OR SCHOOL ADDRESS CHANGE TO THE COUNTY SHERIFF WITH WHOM HE MOST RECENTLY REGISTERED AND TO THE COUNTY SHERIFF OF THE COUNTY IN WHICH THE NEW ADDRESS IS LOCATED. HE MUST REGISTER A NEW EMPLOYMENT ADDRESS WITHIN 3 DAYS OF OBTAINING SUCH NEW ADDRESS WITH SUCH SHERIFF. THESE PROVISIONS APPLY WITH EQUAL FORCE SHOULD DEFENDANT RESIDE, ATTEND SCHOOL OR WORK IN ANY OTHER STATE OF THE UNITED STATES.

DEFENDANT IS ORDERED TO SUBMIT TO A DNA SPECIMEN COLLECTION PROCEDURE UNDER R.C. 2901.07.

JAIL CREDIT DAYS TO DATE TO BE CALCULATED BY THE SHERIFF.

DEFENDANT ADVISED OF APPEAL RIGHTS.

DEFENDANT INDIGENT. ATTORNEY JOHN GIBBONS AND ATTORNEY TIM SWEENEY ASSIGNED FOR APPEAL.
THE COURT HEREBY ENTERS JUDGMENT AGAINST THE DEFENDANT IN AN AMOUNT EQUAL TO THE COSTS OF THIS PROSECUTION.

06/02/2016

CPEDB 06/08/2016 10:58:40

SENT

06/02/2016



94444187

[Handwritten Signature]

6-8-16

Judge Signature

Date

THE STATE OF OHIO }
 Cuyahoga County } SS. I, THE CLERK OF THE COURT
 OF COMMON PLEAS WITHIN
 AND FOR SAID COUNTY,

HEREBY CERTIFY THAT THE ABOVE AND FOREGOING IS TRULY
 TAKEN AND COPIED FROM THE ORIGINAL CRIMINAL
Journal Entry

NOT ON FILE IN MY OFFICE.

WITNESS MY HAND AND SEAL OF SAID COURT THIS 29
 DAY OF June A.D. 20 16

CUYAHOGA COUNTY CLERK OF COURTS

By [Signature], Deputy

SENT
06/02/2016



94468465

**IN THE COURT OF COMMON PLEAS
CUYAHOGA COUNTY, OHIO**

THE STATE OF OHIO
Plaintiff

MICHAEL MADISON
Defendant

Case No: CR-13-579539-A

Judge: NANCY R MCDONNELL

INDICT: 2903.01 AGGRAVATED MURDER /FRM1 /SMS
/CCS /FMS
2903.01 AGGRAVATED MURDER /FRM1 /SMS
/CCS /FMS
2905.01 KIDNAPPING /FRM1 /SMS
ADDITIONAL COUNTS...

JOURNAL ENTRY

** SENTENCING ENTRY DATED 6-2-2016 IS CORRECTED TO INCLUDE IMPOSITION DATE FOR THE CAPITAL SENTENCE. **

PROSECUTORS TIMOTHY MCGINTY, ANNA FARAGLIA, BRENT KIRVEL, AND CHRIS SCHROEDER PRESENT. DEFENDANT IN COURT. COUNSEL DAVID L GRANT, MARY CAY TYLEE, CHRIS JULIAN, AND LINDA HRICKO PRESENT.

COURT REPORTER KERRI NESTOR PRESENT.

ON A FORMER DAY OF COURT THE JURY RETURNED A VERDICT OF GUILTY OF AGGRAVATED MURDER 2903.01 A UN WITH SEXUAL MOTIVATION SPECIFICATION(S) 2941.147, COURSE OF CONDUCT SPECIFICATION(S), FELONY MURDER SPECIFICATION(S) UNDER COUNT(S) 1, 4, 7 OF THE INDICTMENT.

ON A FORMER DAY OF COURT, THE JURY RETURNED A VERDICT OF NOT GUILTY OF FIREARM SPECIFICATION(S) - 1 YEAR (2941.141) AS CHARGED IN COUNT(S) 1, 4, 7 OF THE INDICTMENT.

ON A FORMER DAY OF COURT THE JURY RETURNED A VERDICT OF GUILTY OF AGGRAVATED MURDER 2903.01 B UN WITH SEXUAL MOTIVATION SPECIFICATION(S) 2941.147, COURSE OF CONDUCT SPECIFICATION(S), FELONY MURDER SPECIFICATION(S) UNDER COUNT(S) 2, 5, 8 OF THE INDICTMENT.

ON A FORMER DAY OF COURT, THE JURY RETURNED A VERDICT OF NOT GUILTY OF FIREARM SPECIFICATION(S) - 1 YEAR (2941.141) AS CHARGED IN COUNT(S) 2, 5, 8 OF THE INDICTMENT.

ON A FORMER DAY OF COURT THE JURY RETURNED A VERDICT OF GUILTY OF KIDNAPPING 2905.01 A(3) F1 WITH SEXUAL MOTIVATION SPECIFICATION(S) 2941.147 UNDER COUNT(S) 3, 6 OF THE INDICTMENT.

ON A FORMER DAY OF COURT, THE JURY RETURNED A VERDICT OF NOT GUILTY OF FIREARM SPECIFICATION(S) - 1 YEAR (2941.141) AS CHARGED IN COUNT(S) 3, 6 OF THE INDICTMENT.

ON A FORMER DAY OF COURT THE JURY RETURNED A VERDICT OF GUILTY OF KIDNAPPING 2905.01 A(3) F1 WITH SEXUAL MOTIVATION SPECIFICATION(S) 2941.147 UNDER COUNT(S) 9 OF THE INDICTMENT.

ON A FORMER DAY OF COURT THE JURY RETURNED A VERDICT OF GUILTY OF RAPE 2907.02 A(2) F1 UNDER COUNT(S) 10 OF THE INDICTMENT.

ON A FORMER DAY OF COURT, THE JURY RETURNED A VERDICT OF NOT GUILTY OF FIREARM SPECIFICATION(S) - 1 YEAR (2941.141) AS CHARGED IN COUNT(S) 10 OF THE INDICTMENT.

ON A FORMER DAY OF COURT THE JURY RETURNED A VERDICT OF GUILTY OF OFFENSES AGAINST HUMAN CORPSE 2927.01 B F5 UNDER COUNT(S) 12, 13, 14 OF THE INDICTMENT.

ON A FORMER DAY OF COURT, THE JURY RETURNED A VERDICT OF NOT GUILTY OF FIREARM SPECIFICATION(S) - 1 YEAR (2941.141) AS CHARGED IN COUNT(S) 12, 13, 14 OF THE INDICTMENT.

ON A FORMER DAY OF COURT, THE COURT FINDS DEFENDANT GUILTY OF THE SEXUALLY VIOLENT PREDATOR SPECIFICATIONS IN COUNTS 1, 2, 3, 4, 5, 6, 7, 8, 9, 10 OF THE INDICTMENT.

ON A FORMER DAY OF COURT, THE COURT FINDS DEFENDANT GUILTY OF HAVING A WEAPON WHILE UNDER DISABILITY 2923.12 A(2) F3, AS CHARGED IN COUNT 11 OF THE INDICTMENT. COURT FINDS DEFENDANT IS THE

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OWNER AND/OR POSSESSOR OF A FIREARM SERIAL NUMBER 5812786.
THE COURT CONSIDERED ALL REQUIRED FACTORS OF THE LAW.
THE COURT FINDS THAT PRISON IS CONSISTENT WITH THE PURPOSE OF R. C. 2929.11.

**** CAPITAL SENTENCING. ****

THE COURT IMPOSES A PRISON SENTENCE AT THE LORAIN CORRECTIONAL INSTITUTION.
COUNTS 1 AND 2 MERGE; COUNTS 4 AND 5 MERGE; COUNTS 7 AND 8 MERGE.
STATE ELECTS DEFENDANT TO BE SENTENCED ON COUNTS 1, 4 AND 7.
DEFENSE ATTORNEY SPEAKS. DEFENDANT IS GIVEN THE OPPORTUNITY TO SPEAK. STATE SPEAKS.
COUNT 1: DEATH
COUNT 4: DEATH
COUNT 7: DEATH
SENTENCE TO BE IMPOSED ON JULY 20, 2017.

*** NON CAPITAL SENTENCING. ***

DEFENSE ATTORNEY SPEAKS. DEFENDANT IS GIVEN THE OPPORTUNITY TO SPEAK. STATE SPEAKS, VICTIM REPRESENTATIVES INCLUDED.
THE COURT IMPOSES A PRISON SENTENCE AT THE LORAIN CORRECTIONAL INSTITUTION.
COUNT 3, KIDNAPPING, FEL-1, (SHETISHA SHEELY): 11-YEARS. MANDATORY 5 YEARS PRC.
COUNT 6, KIDNAPPING, FEL-1, (ANGELA DESKINS): 11 YEARS. MANDATORY 5 YEARS PRC.
COUNT 9, KIDNAPPING, FEL-1, (SHIRELLDA TERRY): 11 YEARS. MANDATORY 5 YEARS PRC.
COUNT 10, RAPE, FEL-1, (SHIRELLDA TERRY): 11 YEARS TO LIFE. MANDATORY 5 YEARS PRC.
COUNT 11, HWWUD, FEL-3: 3 YEARS. 3 YEARS MANDATORY PRC.
- AS TO COUNT 11: DEFENDANT TO FORFEIT TO THE EAST CLEVELAND POLICE DEPARTMENT: GUN, SERIAL # 5812786.

COUNT 12, GROSS ABUSE OF CORPSE, FEL-5 (SHETISHA SHEELY): 1 YEAR. 3 YEARS DISCRETIONARY PRC.
COUNT 13, GROSS ABUSE OF CORPSE, FEL-5 (ANGELA DESKIN): 1 YEAR. 3 YEARS DISCRETIONARY PRC.
COUNT 14, GROSS ABUSE OF CORPSE, FEL-5 (SHIRELLDA TERRY): 1 YEAR. 3 YEARS DISCRETIONARY PRC.
COUNTS TO BE SERVED CONSECUTIVELY WITH EACH OTHER, FOR AN AGGREGATE SENTENCE OF 50 YEARS.
SENTENCE TO RUN CONCURRENT TO CR 576419.

FINDINGS FOR CONSECUTIVE SENTENCE: 1. NECESSARY TO PROTECT THE PUBLIC; 2. NECESSARY TO PUNISH YOU; 3. THE SENTENCE IS NOT DISPROPORTIONATE TO OTHER SENTENCES IMPOSED FOR SIMILAR CONDUCT; 4. HARM IS SO GREAT OR UNUSUAL THAT A SINGLE TERM DOES NOT ADEQUATELY REFLECT THE SERIOUSNESS OF THE CONDUCT; 5. CRIMINAL HISTORY SHOWS THAT CONSECUTIVE SENTENCES ARE NEEDED TO PROTECT THE PUBLIC.

*** DEFENDANT IS DETERMINED TO BE A TIER III SEX OFFENDER/CHILD OFFENDER REGISTRANT. *** COURT EXPLAINED ALL DEFENDANT'S REGISTRATION DUTIES AS A TIER III SEX OFFENDER. DEFENDANT, WHEN NOT INCARCERATED UNDER ANY OF THE SENTENCES MUST PERSONALLY REGISTER HIS RESIDENCE, EMPLOYMENT OR SCHOOL (OR INSTITUTION OF HIGHER EDUCATION) ADDRESSES WITH THE COUNTY SHERIFF OF THE COUNTY CONTAINING THESE ADDRESSES AND VERIFY SAME FOR LIFETIME WITH IN PERSON VERIFICATION EVERY 90 DAYS BY PERSONALLY APPEARING AT THE SHERIFF'S OFFICE. HE MUST GIVE 20 DAYS PRIOR NOTICE OF ANY RESIDENCE OR SCHOOL ADDRESS CHANGE TO THE COUNTY SHERIFF WITH WHOM HE MOST RECENTLY REGISTERED AND TO THE COUNTY SHERIFF OF THE COUNTY IN WHICH THE NEW ADDRESS IS LOCATED. HE MUST REGISTER A NEW EMPLOYMENT ADDRESS WITHIN 3 DAYS OF OBTAINING SUCH NEW ADDRESS WITH SUCH SHERIFF. THESE PROVISIONS APPLY WITH EQUAL FORCE SHOULD DEFENDANT RESIDE, ATTEND SCHOOL OR WORK IN ANY OTHER STATE OF THE UNITED STATES.

DEFENDANT IS ORDERED TO SUBMIT TO A DNA SPECIMEN COLLECTION PROCEDURE UNDER R.C. 2901.07.

JAIL CREDIT DAYS TO DATE TO BE CALCULATED BY THE SHERIFF.

DEFENDANT ADVISED OF APPEAL RIGHTS.

DEFENDANT INDIGENT. ATTORNEY JOHN GIBBONS AND ATTORNEY TIM SWEENEY ASSIGNED FOR APPEAL.
THE COURT HEREBY ENTERS JUDGMENT AGAINST THE DEFENDANT IN AN AMOUNT EQUAL TO THE COSTS OF

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THIS PROSECUTION.

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Wang J. M. Daniel

Judge Signature

06/09/2016

THE STATE OF OHIO Cuyahoga County	} SS.	I, THE CLERK OF THE COURT OF COMMON PLEAS WITHIN AND FOR SAID COUNTY,
HEREBY CERTIFY THAT THE ABOVE AND FOREGOING IS TRULY TAKEN AND COPIED FROM THE ORIGINAL <i>Criminal</i>		
NOW ON FILE IN MY OFFICE.		
WITNESS MY HAND AND SEAL OF SAID COURT THIS <i>29</i>		
DAY OF <i>June</i> A.D. 20 <i>16</i>		
CUYAHOGA COUNTY CLERK OF COURTS		
By <i>Darlene McEffert</i> , Deputy		

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IN THE COURT OF COMMON PLEAS CUYAHOGA COUNTY, OHIO

THE STATE OF OHIO
Plaintiff

MICHAEL MADISON
Defendant

Case No: CR-13-579539-A

Judge: NANCY R MCDONNELL

INDICT: 2903.01 AGGRAVATED MURDER /FRM1 /SMS
/CCS /FMS
2903.01 AGGRAVATED MURDER /FRM1 /SMS
/CCS /FMS
2905.01 KIDNAPPING /FRM1 /SMS
ADDITIONAL COUNTS...

JOURNAL ENTRY

** SENTENCING ENTRY DATED 6-2-2016 IS CORRECTED TO REFLECT CORRECT ORC FOR HWWUD, COUNT 11 (2923.13). **

PROSECUTORS TIMOTHY MCGINTY, ANNA FARAGLIA, BRENT KIRVEL, AND CHRIS SCHROEDER PRESENT.
DEFENDANT IN COURT. COUNSEL DAVID L GRANT, MARY CAY TYLEE, CHRIS JULIAN, AND LINDA HRICKO PRESENT.

COURT REPORTER KERRI NESTOR PRESENT.

ON A FORMER DAY OF COURT THE JURY RETURNED A VERDICT OF GUILTY OF AGGRAVATED MURDER 2903.01 A UN WITH SEXUAL MOTIVATION SPECIFICATION(S) 2941.147, COURSE OF CONDUCT SPECIFICATION(S), FELONY MURDER SPECIFICATION(S) UNDER COUNT(S) 1, 4, 7 OF THE INDICTMENT.

ON A FORMER DAY OF COURT, THE JURY RETURNED A VERDICT OF NOT GUILTY OF FIREARM SPECIFICATION(S) - 1 YEAR (2941.141) AS CHARGED IN COUNT(S) 1, 4, 7 OF THE INDICTMENT.

ON A FORMER DAY OF COURT THE JURY RETURNED A VERDICT OF GUILTY OF AGGRAVATED MURDER 2903.01 B UN WITH SEXUAL MOTIVATION SPECIFICATION(S) 2941.147, COURSE OF CONDUCT SPECIFICATION(S), FELONY MURDER SPECIFICATION(S) UNDER COUNT(S) 2, 5, 8 OF THE INDICTMENT.

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ON A FORMER DAY OF COURT, THE JURY RETURNED A VERDICT OF NOT GUILTY OF FIREARM SPECIFICATION(S) - 1 YEAR (2941.141) AS CHARGED IN COUNT(S) 10 OF THE INDICTMENT.

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ON A FORMER DAY OF COURT, THE COURT FINDS DEFENDANT GUILTY OF HAVING A WEAPON WHILE UNDER DISABILITY 2923.13 A(2) F3, AS CHARGED IN COUNT 11 OF THE INDICTMENT. COURT FINDS DEFENDANT IS THE

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OWNER AND/OR POSSESSOR OF A FIREARM SERIAL NUMBER 5812786.
THE COURT CONSIDERED ALL REQUIRED FACTORS OF THE LAW.
THE COURT FINDS THAT PRISON IS CONSISTENT WITH THE PURPOSE OF R. C. 2929.11.

**** CAPITAL SENTENCING. ****

THE COURT IMPOSES A PRISON SENTENCE AT THE LORAIN CORRECTIONAL INSTITUTION.
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STATE ELECTS DEFENDANT TO BE SENTENCED ON COUNTS 1, 4 AND 7.
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COUNT 1: DEATH
COUNT 4: DEATH
COUNT 7: DEATH
SENTENCE TO BE IMPOSED ON JULY 20, 2017.

***.NON CAPITAL SENTENCING. ***

DEFENSE ATTORNEY SPEAKS. DEFENDANT IS GIVEN THE OPPORTUNITY TO SPEAK. STATE SPEAKS, VICTIM REPRESENTATIVES INCLUDED.

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DEFENDANT IS ORDERED TO SUBMIT TO A DNA SPECIMEN COLLECTION PROCEDURE UNDER R.C. 2901.07.

JAIL CREDIT DAYS TO DATE TO BE CALCULATED BY THE SHERIFF.
DEFENDANT ADVISED OF APPEAL RIGHTS.

DEFENDANT INDIGENT. ATTORNEY JOHN GIBBONS AND ATTORNEY TIM SWEENEY ASSIGNED FOR APPEAL.
THE COURT HEREBY ENTERS JUDGMENT AGAINST THE DEFENDANT IN AN AMOUNT EQUAL TO THE COSTS OF

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THIS PROSECUTION.

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Wang J. M. Daniel

Judge Signature

06/21/2016

THE STATE OF OHIO } SS. I, THE CLERK OF THE COURT
 Cuyahoga County } OF COMMON PLEAS WITHIN
 AND FOR SAID COUNTY,

HEREBY CERTIFY THAT THE ABOVE AND FOREGOING IS TRULY
 TAKEN AND COPIED FROM THE ORIGINAL *Arrested*
 NOW ON FILE IN MY OFFICE *Arrested*

WITNESS MY HAND AND SEAL OF SAID COURT THIS *29*
 DAY OF *June* A.D. 20 *16*

CUYAHOGA COUNTY CLERK OF COURTS
 By *Danah McEffer*, Deputy

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06/21/2016

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