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COMMON PLEAS COURT
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TERRY L. ZUVER
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IN THE COURT OF COMMON PLEAS OF FULTON COUNTY, OHIO

State of Ohio,	:	Case No. 16CR106
Plaintiff,	:	Judge Jeffrey L. Robinson
-vs-	:	**FINAL JUDGMENT ENTRY OF SENTENCE**
James D. Worley,	:	
Defendant.	:	

This matter came on for sentencing hearing on April 18, 2018. Present in the courtroom were the Defendant with his attorneys Mark Berling, Merle Dech, Jr. and Mark Powers. Fulton County Prosecutor Scott A. Haselman and Assistant Prosecutor Paul H. Kennedy were present on behalf of the State of Ohio.

The Court finds that on March 27, 2018, the Jury unanimously found, beyond a reasonable doubt, that Defendant was guilty of:

Count One: Abduction, in violation of R.C. 2905.02(A)(1), a felony of the third degree;

Count Two: Abduction, in violation of R.C. 2905.02(A)(2), a felony of the third degree;

Count Three: Kidnapping, in violation of R.C. 2905.01(A)(3), a felony of the first degree;

Count Four: Kidnapping, in violation of R.C. 2905.01(A)(4), a felony of the first

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degree;

Count Five: Kidnapping, in violation of R.C. 2905.01(B)(1), a felony of the first degree;

Count Six: Kidnapping, in violation of R.C. 2905.01(B)(2), a felony of the first degree;

Count Seven: Felonious Assault, in violation of R.C. 2903.11(A)(1), a felony of the second degree;

Count Eight: Felonious Assault, in violation of R.C. 2903.11(A)(2), a felony of the second degree;

Count Nine: Murder, in violation of R.C. 2903.02(A), an unclassified felony;

Count Ten: Murder, in violation of R.C. 2903.02(B), an unclassified felony;

Count Eleven: Aggravated Murder, in violation of R.C. 2903.01(A), an unclassified felony;

- Specification One To Count Eleven: the aggravated murder was committed by the Defendant for the purpose of escaping detection, apprehension, trial or punishment for another offense committed by the Defendant;

- Specification Two To Count Eleven: the aggravated murder was committed while the Defendant was committing, attempting to commit, or fleeing immediately after committing or attempting to commit kidnapping and the Defendant was the principal offender in the commission of the aggravated murder;

Count Twelve: Aggravated Murder, in violation of R.C. 2903.01(B), an unclassified felony;

- Specification One To Count Twelve: the aggravated murder was committed by the Defendant for the purpose of escaping detection, apprehension, trial or punishment for another offense committed by the Defendant;

- Specification Two To Count Twelve: the aggravated murder was committed

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while the Defendant was committing, attempting to commit, or fleeing immediately after committing or attempting to commit kidnapping and the Defendant was the principal offender in the commission of the aggravated murder;

Count Fifteen: Possessing Criminal Tools, in violation of R.C. 2923.24(A), a felony of the fifth degree;

- The criminal tools were intended for use in the commission of a felony;

Count Sixteen: Gross Abuse of a Corpse, in violation of R.C. 2927.01(B), a felony of the fifth degree;

Count Seventeen: Tampering With Evidence, in violation of R.C. 2921.12(A)(1), a felony of the third degree;

Count Eighteen: Having Weapons While Under Disability, in violation of R.C. 2923.13(A)(3), a felony of the third degree;

Count Nineteen: Having Weapons While Under Disability, in violation of R.C. 2923.13(A)(2), a felony of the third degree.

Prior to the sentencing hearing, the Court merged those counts into the following offenses: Count Six, Kidnapping, in violation of Revised Code Section 2905.01(B)(2), a felony of the first degree; Count Eight, Felonious Assault, in violation of Revised Code Section 2903.11(A)(2), a felony of the second degree; Count Twelve, Aggravated Murder, in violation of Revised Code Section 2903.01(B), an unclassified felony; Specification One to Count Twelve, being that the Aggravated Murder was committed for the purpose of escaping detection, apprehension, trial or punishment for another offense committed by the Defendant; Count Fifteen, Possessing Criminal Tools, in violation of Revised Code Section 2923.24(A), a felony of the fifth degree; Count Seventeen, Tampering With

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Evidence, in violation of Revised Code Section 2921.12(A)(1), a felony of the third degree; and Count Nineteen, Having Weapons While Under Disability, in violation of Revised Code Section 2923.13(A)(2), a felony of the third degree. The Court finds Defendant guilty of same.

The Court further finds that on April 4, 2018, the Jury unanimously found, beyond a reasonable doubt, that the aggravating circumstance that the Defendant was found guilty of committing, as contained in Specification One to Count Twelve of the Indictment, outweighed the mitigating factors. Based on the above findings, the Jury recommended death for the Defendant.

On April 18, 2018, as to the capital count, the Defendant was afforded an opportunity to speak and to present witnesses as required pursuant to Criminal Rule 32. The State was also allowed to present a statement. Thereafter, the Court announced that it found, beyond a reasonable doubt, that the aggravating circumstance that the Defendant was found guilty of committing, as contained in Specification One to Count Twelve of the Indictment, outweighed the mitigating factors, and that the death penalty would be imposed on Count Twelve. With respect to such findings, the Court entered a Judgement Entry of Sentence on April 18, 2018 (Vol. 107, Pgs. 1392-1405), and the contents of that Judgment Entry of Sentence are incorporated herein by reference, as if fully restated herein. As such, for punishment for Aggravated Murder, as to the death of Sierah Joughin, as contained in Count Twelve of the Indictment, Ohio Revised Code Section 2903.01(B), the sentence is death.

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When imposing sentence in this case for the non-capital counts, the Defendant was afforded an opportunity to speak and to present witnesses as required pursuant to Criminal Rule 32. The State was also allowed to present a statement, as were the victims.

The Court has considered the record, oral statements, the victim impact statements, the purposes and principles of sentencing as required by Revised Code Section 2929.11, the seriousness and recidivism factors relevant to the offense and offender pursuant to Revised Code Section 2929.12, and the need for deterrence, incapacitation, rehabilitation and restitution. The Court is guided by the overriding purposes of felony sentencing, including protection of the public from future crime by the offender and others and punishment of the offender, using the minimum sanctions the Court determines necessary to accomplish those purposes without imposing an unnecessary burden on either State or Local government resources, all as required by Revised Code Section 2929.11.

The Court finds the following factors making the offenses more serious are relevant to the Court's determination under Revised Code Section 2929.12(B): The victim of the offenses suffered serious physical, psychological, or economic harm as a result of the offenses.

The Court finds the following factors indicating the Defendant is more likely to commit future crimes are relevant to the Court's determination under Revised Code Section 2929.12(D): (1) The offender has a history of criminal convictions; (2) The offender has not been rehabilitated to a satisfactory degree and the offender has not responded favorably to sanctions imposed for his criminal convictions; and (3) The offender has shown no genuine remorse for the offense.

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The Court finds, after considering the factors set forth in Revised Code Section 2929.11, that a prison term is consistent with the purposes and principles of sentencing set forth in Revised Code Section 2929.11 and that the Defendant is not amenable to available community control sanctions. The court further finds that a community control sanction or combination of community control sanctions would not adequately punish the Defendant and protect the public from future crime because the applicable factors under Revised Code 2929.12 to indicate a greater likelihood of recidivism which greatly outweigh the applicable factors under that section indicating a lesser likelihood of recidivism.

The Court further finds that a combination of community control sanctions would demean the seriousness of the Defendant's conduct and its impact on the victims, because one or more of the factors under the Revised Code Section indicate the Defendant's conduct was more serious than conduct normally constituting the offense, and that those factors outweigh the applicable factors indicating the Defendant's conduct was less serious.

The Court further finds that a sentence of imprisonment is commensurate with the seriousness of the Defendant's conduct and its impact on the victims, and a prison sentence does not place an unnecessary burden on State and Local government resources.

The Court further finds that consecutive sentences are necessary to protect the public from future crime or to punish Defendant and that consecutive sentences are not disproportionate to the seriousness of Defendant's conduct and to the danger Defendant poses to the public. The Court finds that 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

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more of the multiple offenses committed were 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 Defendant's conduct; and the Defendant's history of criminal conduct demonstrates that consecutive sentences are necessary to protect the public from future crime by Defendant.

It is therefore ORDERED that Defendant serve the following terms at the Ohio Department of Rehabilitation and Correction: a definite term of eleven (11) years for the offense in Count Six, Kidnapping, in violation of Revised Code Section 2905.01(B)(2), a felony of the first degree; a definite prison term of eight (8) years for the offense in Count Eight, Felonious Assault, in violation of Revised Code Section 2903.11(A)(2), a felony of the second degree; a definite prison term of eleven (11) months for the offense in Count Fifteen, Possessing Criminal Tools, in violation of Revised Code Section 2923.24(A), a felony of the fifth degree; a definite prison term of thirty-six (36) months for the offense in Count Seventeen, Tampering With Evidence, in violation of Revised Code Section 2921.12(A)(1), a felony of the third degree; and a definite prison term of thirty-six (36) months for the offense in Count Nineteen, Having Weapons While Under Disability, in violation of Revised Code Section 2923.13(A)(2), a felony of the third degree. Said sentences for Counts Six, Eight, Fifteen, Seventeen and Nineteen are to be served consecutively with one another, for a total prison term of 25 years and 11 months on the non-capital counts.

The Court further advised the Defendant that he was subject to a mandatory post release control period of 5 years, and further advised the Defendant of the consequences

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for violating conditions of post release control imposed by the Parole Board under R.C. 2967.28.

Defendant has been given notice regarding his appellate rights.

Defendant is therefore ORDERED conveyed to the custody of the Ohio Department of Rehabilitation and Correction forthworth.

Defendant is given credit for 626 days of confinement awaiting disposition of this case.

Defendant is ordered to pay all prosecution costs, court-appointed attorney fees, and any fees permitted pursuant to O.R.C. 2929.18(A)(4).

Bond discharged.

Judge Jeffrey L. Robinson

cc: Prosecuting Attorney
Atty. Mark Berling
Atty. Merle Dech, Jr.
Atty. Mark Powers
Fulton County Sheriff's Office
CCNO
ODRC