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SUPREME COURT OF OHIO

RICHLAND COUNTY
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IN THE COMMON PLEAS COURT OF RICHLAND COUNTY, OHIO

STATE OF OHIO,

Plaintiff,

vs.

CHRISTOPHER NEWTON,

Defendant.

Case No. 2002-CR-0048H

Supreme Court of OH Case no 03-565

CAPITAL CASE

JUDGMENT ENTRY

This matter came before the Court on November 3, 2006 for a hearing to determine the Defendant, Christopher Newton's competency to waive further appeals in his capital case in accordance with an order issued by the Supreme Court of Ohio. The Defendant appeared in the courtroom represented by Joseph Wilhelm and Rob Lowe of the Ohio Public Defender's Office. Richland County Prosecutor James J. Mayer, Jr. and Assistant Prosecutor Kirsten Pscholka-Gartner were present on behalf of the State of Ohio.

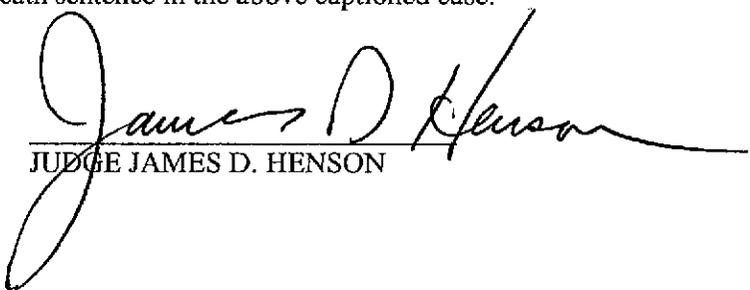
In determining the issue of the Defendant's competency to waive his appeals, the Court considered the directive of the Supreme Court in State v. Newton (2006), 110 Ohio St.3d 1429, 852 N.E.2d 179, and well as the standard set forth in State v. Berry (1997), 80 Ohio St.3d 371, 686 N.E.2d 1097. The Court also considered a report prepared by Dr. James Sunbury, Ph.D., ABPP, of the District V-Forensic Diagnostic Center.

At the hearing, Dr. Sunbury testified on behalf of the State of Ohio, and his report was entered into evidence. He testified that based upon his evaluation, the Defendant was not suffering from any severe mental disease or defect; that he has the mental capacity to understand the choice between life and death; and that his ability to reason logically is not distorted by delusions or hallucinations.

The Defendant was also called to the stand by his attorney, Joseph Wilhelm. During his testimony, he expressed his desire to waive his right to further appeals and to see his death sentence carried out. He stated that his decision had not been influenced by any threats, promises, or inducements, and that it was voluntarily made.

Taking into consideration pretrial competency evaluations, lengthy testimony at trial, and the Defendant's demeanor pre-trial, during trial, post-trial, and at this hearing, the Court finds that the Defendant exhibits no indication of any mental illness or lack of awareness of his situation and the consequences of his actions and decisions. The Court further finds that the Defendant has knowingly, intelligently, and voluntarily waived his right to appeal, and has done so consistently throughout the proceedings in this case. The Defendant has accepted his responsibility and the penalty for his crimes.

Therefore, it is ORDERED, ADJUDGED AND DECREED that the Defendant is found competent to waive all further appeals of his death sentence in the above captioned case.


JUDGE JAMES D. HENSON

cc: Prosecutor's Office

Joseph Wilhelm and Rob Lowe,
Ohio Public Defender's Office
OH Supreme COURT