

ORIGINAL

In The Supreme Court Of Ohio

State Of Ohio, :

Appellee, :

-Vs- :

Ashford Thompson, :

Appellant. :

Case No.:

10-1373

This Is A Capital Case.

On Appeal From The Court Of
Common Pleas Of Summit County
Case No. CR 2008-07-2390

Appellant Thompson's Notice Of Appeal

Office of the
Ohio Public Defender

Kimberly S. Rigby – 0078245
Assistant State Public Defender

Rachel Troutman – 0076741
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FILED
AUG 06 2010
CLERK OF COURT
SUPREME COURT OF OHIO

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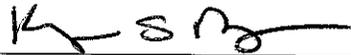
On Appeal From The Court Of
Common Pleas Of Summit County
Case No. CR 2008-07-2390

Appellant Thompson's Notice Of Appeal

Appellant Ashford Thompson hereby gives notice that he is pursuing his appeal as of right to obtain relief from his conviction of aggravated murder, and his death sentence, imposed on June 24, 2010 in the Summit County Court of Common Pleas. The date of this offense was July 13, 2008. See Sup. Ct. Prac. R. XIX §1(A).

Respectfully submitted,

Office of the Ohio Public Defender



Kimberly S. Rigby - 0078245
Assistant State Public Defender
Counsel of Record



Rachel Troutman - 0076741
Assistant State Public Defender

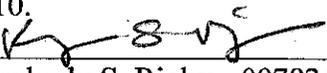
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Counsel For Appellant

Certificate Of Service

I hereby certify that a true copy of the foregoing NOTICE OF APPEAL was forwarded by regular U.S. Mail to Sherri Bevan Walsh, Summit County Prosecutor, 53 University Ave. Akron, Ohio 44308, this 6th day of August, 2010.



Kimberly S. Rigby - 0078245
Counsel For Appellant

DANIEL M. HERRIGAN

2010 JUN 23 AM 11:41

SUMMIT COUNTY
CLERK OF COURTS

IN THE COURT OF COMMON PLEAS
COUNTY OF SUMMIT

STATE OF OHIO,
Plaintiff

-vs-

ASHFORD L. THOMPSON
Defendant

CASE NO. CR 2008-07-2390

JUDGE STORMER

JUDGMENT ENTRY
OPINION OF THE COURT
(per 2929.03(F))

On June 4, 2010, a jury convicted Ashford L. Thompson of three counts of tampering with evidence, two counts of resisting arrest, two counts of escape and one count of carrying a concealed weapon, each with firearm specifications. He was also found guilty beyond a reasonable doubt of two counts of aggravated murder. The aggravated murder convictions involved the death of Twinsburg police officer, Joshua Miktarian and carried five identical specifications: two firearm specifications and three death penalty specifications. The jury separately found Defendant guilty of the firearm specifications and each of the death penalty specifications.

For purposes of the mitigation/sentencing hearing, the Court merged the two Aggravated Murder counts as there is only one victim and merged two of the death specifications, specification two referring to Defendant's escape and specification three referring to the fact that Defendant was under detention at the time of the murder. Given the facts of this case, Thompson could not commit the crime of escape without also committing the crime of breaking detention; the Court found that this constituted one act by the

Defendant. As a result, the Court considers and sentences the Defendant on one count of aggravated murder with two specifications. The first specification, now an aggravating circumstance is that Joshua Miktarian, when murdered, was a police officer performing his official duties; the second specification, now an aggravating circumstance is that Defendant committed the murder to facilitate an escape from apprehension for other crimes.

The Court advised Ashford L. Thompson of his rights during the sentencing phase. He waived his right to a pre-sentence investigation and a mental health evaluation and was fully advised of his rights before the Court began the sentencing phase.

On June 10, 2010, the sentencing phase began. The Court permitted the State to use selected evidence related only to the two specifications. The State introduced the selected trial exhibits and rested. The defendant presented mitigation evidence and made an unsworn statement. Counsel presented final arguments. On July 11, 2010, the jury returned a verdict finding that the State of Ohio proved beyond a reasonable doubt that the aggravating circumstances involving the death of Joshua Miktarian outweighed the mitigating factors. The jury verdict indicated the penalty of death.

The jury was appropriately sequestered during the trial phase and the sentencing phase deliberations. In each phase, the jury was sequestered overnight. The jury deliberated for approximately 3 ½ hours over two days in the sentencing phase.

The jury's verdict of death on the count of aggravated murder involving the death of Joshua Miktarian constitutes a recommendation to the Court. The Court must perform an independent review of this matter pursuant to Ohio law.

The Court must now separately weigh the two specific aggravating circumstances connected to the aggravated murder of Joshua Miktarian to determine whether the jury recommendation of death should be the final sentence of the Court. Guidance is provided to the Court in case law and the requirements of the Ohio Revised Code. The Court must set forth its specific findings as to the existence of any mitigating factors pursuant to O.R.C. 2929.04(B) as well as any other mitigating factors, the relevant aggravating circumstances and the Court's reasoning in the weighing process.

In the weighing process, the Court does not consider the aggravated murder of Joshua Miktarian as an aggravating circumstance, does not consider the nature and circumstances of the offense unless they are mitigating and does not consider any victim impact evidence.

AGGRAVATING CIRCUMSTANCES

The jury found Defendant guilty of aggravated murder and found him guilty beyond or reasonable doubt of two specifications, specifically that:

The offense was committed for the purpose of escaping detection, apprehension, trial or punishment, for another offense committed by the offender. 2929.04(A)(3). Officer Miktarian stopped Ashford Thompson for a noise violation, and apparently, for a possible OVI. In addition, Defendant did not announce that he was legally carrying a weapon.

and,

The victim of the offense was a law enforcement officer whom the offender know or has reasonable cause to know or knew to be a law enforcement officer and either the victim, at the time of the commission of the offense, was engaged in the victim's duties or it was the offender's specific purpose to kill a law enforcement officer. 2929.04(A)(6). Officer

Miktarian was arresting Ashford Thompson when Thompson shot him. Thompson understood that Miktarian was a law enforcement officer who was on duty.

MITIGATING FACTORS

The following factors were considered in possible mitigation of the death penalty:

1. *The nature and circumstances of the offense*

This Court has reviewed the nature and circumstances of the offense for any mitigating factors. The Court considers the testimony of Danielle Roberson. Ms. Roberson stated that Miktarian behaved unprofessionally, pulled Ashford Thompson, may have pushed him down, threw him on the hood of the police car and reached for something on his belt, which she thought might have been a gun. Her testimony supports the mitigation factor that Defendant was acting under duress.

2. *The history, character and background of Ashford L. Thompson*

Mr. Thompson grew up with a loving mother, without significant contact with his father. He was emotionally and spiritually supported by several of the mitigation witnesses during his youth. As a result, he was considered to be a very nice, caring and considerate boy and man. He participated in some high school sports, most notably as a wrestler and drum major for the band.

Family and friends found him to be mature for his years, reliable and helpful. He described himself as a "normal kid", not perfect. After graduating from high school, he went to college. He considered the ministry and healthcare, but chose healthcare as it provided a hands-on opportunity to help. He trained to become and became a certified Licensed Practical Nurse. He successfully practiced in this capacity in nursing homes and in private duty and was a conscientious caregiver.

He obtained a legal concealed carry permit and carried a handgun because he often had private duty jobs at night in unsavory neighborhoods, and was committed to being there for his patients.

3. *Whether it is unlikely that the offense would have been committed, but for the fact that the offender was under duress, coercion or strong provocation.*

Ashford Thompson stated that Joshua Miktarian's aggressive and unprofessional behavior during his traffic stop made him fearful. He felt that this was not a normal traffic stop. When cuffed, he used a wrestling stance and dug in his heels. He and the officer "struggled" and Thompson was knocked to the ground. Miktarian called for another unit and threatened to release his dog from the cruiser. Miktarian then put him on the hood of the car and Thompson saw him reach for something on his duty belt. It did not make sense to him. Thompson believed that Miktarian was about to shoot him, so he turned and, using the gun concealed in pocket of his shorts, shot him in the forehead. He left because he thought the police would shoot and kill him if they found him there.

Danielle Roberson corroborated this statement.

4. *The age of the Defendant*

Ashford Thompson was 23 years old when he murdered Joshua Miktarian.

5. *Lack of a significant history of prior criminal convictions*

Ashford Thompson does not have a significant criminal history. He has two prior minor misdemeanor convictions for violating a noise ordinance (loud music) and one conviction for physical control of a motor vehicle.

6. *Any other factors*

Here, the Court considers as mitigating, Defendant's family and friends statements about him. He did express remorse and apologize to the Miktarian family before beginning his unsworn statement. He stated that he had confessed on the night of his arrest and told the police just what he stated in court. He was involved with his church and led youth bible study classes.

AGGRAVATING CIRCUMSTANCES VERSUS MITIGATING FACTORS

When weighing the aggravated circumstances against the mitigating factors, the Court finds that the aggravating circumstances outweigh the mitigating factors beyond a reasonable doubt.

The death penalty can be imposed in ten situations upon a finding of guilt. Six of the specifications refer to actions taken by the defendant. Here, the specification relevant to Defendant's actions was that the murder occurred as a consequence of trying to escape detection for other crimes.

Four of the statutory criteria refer only to the status of the victim. Those protected by status are the president and the vice-president of the United States, the governor and the lieutenant governor of Ohio, children under the age of 13 and police officers. Thus, in the State of Ohio, the murder of a police officer exists in the same category as the assassination of our top elected officials or the murder of a young child. No other persons have been placed into these categories.

The Court considers the mitigating factors listed previously, which diminish the appropriateness of the death penalty. First, the Court considers the age of the Defendant and accords it little weight. At 23, Ashford Thompson was not so young and inexperienced that age makes him less morally culpable. His prior criminal record is scant and is given some weight, however, on this night, he was stopped for the same loud music violation as in his prior convictions.

Based upon the testimony of friends and family, Ashford Thompson had a supportive and caring family. He, himself, achieved success in high school, finished college and worked in a job he loved helping the elderly and sick. He remained active in his church. He was "normal" until July 13, 2008. The Court gives this significant weight.

On this night, Thompson believed that Officer Miktarian behaved abusively and reached for something on his belt. He suggests that he was compelled to act to save his own life and that the officer's actions overcame his mind so that he had no choice but to kill him. The Court does not accept this argument.

Ashford Thompson did not set out on July 13, 2008 to kill an officer, but he decided to kill Officer Miktarian when he reached for the gun in his pocket, turned and fired. He could have turned and not fired. He could have not reached for the gun; he could have simply allowed himself to be arrested and filed a grievance against the officer for his behavior. But when he turned and fired, he was a normal, church going man who chose to ignore much of what he had been taught and knew. He was not impaired in any way, so the decision was conscious and purposeful.

After shooting the officer, he then fled the scene. While he expressed remorse, the aggravating circumstance of escape reduces the impact of remorse as a mitigating factor. The Court gives the expression of remorse slight weight.

In consideration of the law and the evidence as expressed in this opinion, the Court finds that the aggravating circumstances outweigh the mitigating factors. Therefore, the Court concurs with the jury's sentence and hereby sentences Ashford L. Thompson on merged original Counts One and Two to death for the aggravated murder of Joshua Miktarian. The Court orders that the execution date be set for the 23rd of June, 2011, one year from today or as set by a Court of competent jurisdiction.

As required by law, the Court further sentences the Defendant: the Court merges the original Counts Three and Four, Escape and sentences him to 5 years in prison to be served concurrently to any other sentence; on original Count Five, Resisting Arrest, the Court sentences him to 18 months concurrent; original Count Six, misdemeanor Resisting Arrest, 90 days with credit for 90 days; the Court merges original Counts Seven, Eight and Nine, Tampering with Evidence, and sentences him to 5 years concurrent; original Count 10, Carrying a Concealed Weapon, 12 months concurrent. Finally, the Court merges all of the firearm specifications and sentences him to the mandatory 7 years consecutive to all other sentences. The Court gives the Defendant credit for the 711 days he has served to date.

The Court orders Defendant to be conveyed to the appropriate state institution where he will be placed on death row. Notification of appellate rights was given and the Court appoints Rachael Troutman and Kim Rigby of the Ohio Public Defenders office to represent

the Defendant. This opinion will be filed with the Summit County Clerk of Courts as well as with the Clerk of the Supreme Court of Ohio. Court costs to the Defendant.

IT IS SO ORDERED.

Judge Elinore Marsh Stormer

Cc: Brian Lo Prinzi, Esq.; Brad Gessner, Esq.
Kerry O'Brien, Esq; John Greven, Esq.

EMS:lcb
08-2390

IN THE COURT OF COMMON PLEAS
COUNTY OF SUMMIT

THE STATE OF OHIO

vs.

ASHFORD L. THOMPSON

DANIEL M. MORRIGAN

2010 JUN 24 PM 2:15

SUMMIT COUNTY
COURT OF COURTS

Case No. CR 08 07 2390

JOURNAL ENTRY

On May 24, 2009 at 10:00 A.M., the jury trial began. The Defendant appeared in Court with defense counsels, Kerry O'Brien and John Greven, for trial. The State was represented by Assistant Prosecutors Brian Loprinzi and Brad Gessner.

The Counts in the indictment were re-numbered as follows: Count 5 becomes Count 1, Resisting Arrest, Specification 1 to Count 5 becomes Specification 1 to Count 1, Specification 1 to Count 5 becomes Specification 2 to Count 1, Count 6 becomes Count 2, Resisting Arrest, Count 10 becomes Count 3, Carrying Concealed Weapons, Specification 1 to Count 10 becomes Specification 1 to Count 3, Count 4 remains as originally indicted, Escape, Count 1 becomes Count 5, Aggravated Murder, Specification 1 to Count 1 becomes Specification 1 (Aggravated Murder of Law Enforcement Officer) to Count 5, Specification 2 to Count 1 becomes Specification 2 (Aggravated Murder of Law Enforcement Officer) to Count 5, Specification 3 to Count 1 becomes Specification 3 (Aggravated Murder of Law Enforcement Officer) to Count 5, Specification 4 to Count 1 becomes Specification 4 (Aggravated Murder of Law Enforcement Officer) to Count 5, Specification 5 to Count 1 becomes Specification 5 (Aggravated Murder of Law Enforcement Officer) to Count 5, Count 2 becomes Count 6, Aggravated Murder (Fleeing/Escaping), Specification 1 to Count 2 becomes Specification 1 (Aggravated Murder - Fleeing/Escaping) to Count 6, Specification 2 to Count 2 becomes Specification 2 (Aggravated Murder - Fleeing/Escaping) to Count 6, Specification 3 to Count 2 becomes Specification 3 (Aggravated Murder - Fleeing/Escaping) to Count 6, Specification 4 to Count 2 becomes Specification 4 (Aggravated Murder - Fleeing/Escaping) to Count 6, and Specification 5 to Count 2 becomes Specification 5 (Aggravated Murder - Fleeing/Escaping) to Count 6.

The trial continued on until June 2, 2010 until 1:00 P.M., at which time the Jury having heard the testimony, the arguments of counsel and the charge of the Court, retired to deliberate.

On June 3, 2010 at 10:45 A.M., the Jury returned their verdict in open court and found the Defendant GUILTY of:

- 1) Count 1, Resisting Arrest, Ohio Revised Code Section 2921.33(C), a felony of the fourth (4th) degree, which occurred on July 13, 2008
- 2) Specification 1 to Count 1, which occurred on July 13, 2008
- 3) Specification 2 to Count 1, which occurred on July 13, 2008
- 4) Count 2, Resisting Arrest, Ohio Revised Code Section 2921.33(A), a misdemeanor of the second (2nd) degree, which occurred on July 13, 2008
- 5) Count 3, Carrying Concealed Weapons, Ohio Revised Code Section 2923.12(B)(3), a felony of the fifth (5th) degree, which occurred on July 13, 2008
- 6) Specification 1 to Count 3, which occurred on July 13, 2008
- 7) Count 4, Escape, Ohio Revised Code Section 2921.34(A)(1), a felony of the fifth (5th) degree, which occurred on July 13, 2008
- 8) Specification 1 to Count 4, which occurred on July 13, 2008
- 9) Specification 2 to Count 4, which occurred on July 13, 2008
- 10) Count 5, Aggravated Murder, Ohio Revised Code Section 2903.01(E), a special felony, which occurred on July 13, 2008
- 11) Specification 1 (Aggravated Murder of Law Enforcement Officer) to Count 5, which occurred on July 13, 2008
- 12) Specification 2 (Aggravated Murder of Law Enforcement Officer) to Count 5, which occurred on July 13, 2008
- 13) Specification 3 (Aggravated Murder of Law Enforcement Officer) to Count 5, which occurred on July 13, 2008
- 14) Specification 4 (Aggravated Murder of Law Enforcement Officer) to Count 5, which occurred on July 13, 2008
- 15) Specification 5 (Aggravated Murder of Law Enforcement Officer) to Count 5, which occurred on July 13, 2008
- 16) Count 6, Aggravated Murder (Fleeing/Escaping), Ohio Revised Code Section 2903.01(B), a special felony, which occurred on July 13, 2008
- 17) Specification 1 (Aggravated Murder - Fleeing/Escaping) to Count 6, which occurred on July 13, 2008
- 18) Specification 2 (Aggravated Murder - Fleeing/Escaping) to Count 6, which occurred on July 13, 2008
- 19) Specification 3 (Aggravated Murder - Fleeing/Escaping) to Count 6, which occurred on July 13, 2008

IN THE COURT OF COMMON PLEAS
COUNTY OF SUMMIT

THE STATE OF OHIO
vs.

ASHFORD L. THOMPSON

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Case No. CR 08 07 2390

JOURNAL ENTRY

- 20) Specification 4 (Aggravated Murder – Fleeing/Escaping) to Count 6, which occurred on July 13, 2008
- 21) Specification 5 (Aggravated Murder – Fleeing/Escaping) to Count 6, which occurred on July 13, 2008
- 22) Count 7, Tampering with Evidence (Dodge Intrepid), Ohio Revised Code Section 2921.12(A)(1), a felony of the third (3rd) degree, which occurred on July 13, 2008
- 23) Specification 1 to Count 7, which occurred on July 13, 2008
- 24) Specification 1 to Count 8, which occurred on July 13, 2008
- 25) Count 8, Tampering with Evidence (handcuffs), Ohio Revised Code Section 2921.12(A)(1), a felony of the third (3rd) degree, which occurred on July 13, 2008
- 26) Count 9, Tampering with Evidence (Keltec, Model P-11 9mm pistol), Ohio Revised Code Section 2921.12(A)(1), a felony of the third (3rd) degree, which occurred on July 13, 2008

The Firearm Specification 1 to Count 9 is Dismissed.

The Court granted Rule 29 on the original Count 3, Escape with Specifications 1 and 2 to Count 3.

The Defendant was remanded to the Summit County Jail pending mitigation hearing set for June 10, 2010 at 11:00 A.M.

APPROVED:
June 4, 2010
tms

PATRICIA A. COSGROVE, Judge for

ELINORE MARSH STORMER, Judge
Court of Common Pleas
Summit County, Ohio

cc: Prosecutor Brian Loprinzi
Prosecutor Brad Gessner
Attorney John Greven
Attorney Kerry O'Brien

IN THE COURT OF COMMON PLEAS
COUNTY OF SUMMIT

THE STATE OF OHIO)
vs.)
ASHFORD L. THOMPSON)

DANIEL M. HERRIGAN
2010 JUN 24 PM 3:00
SUMMIT COUNTY
CLERK OF COURTS

Case No. CR 08 07 2390

JOURNAL ENTRY

On June 23, 2010, the Assistant Prosecuting Attorney on behalf of the State of Ohio, the Defendant, ASHFORD L. THOMPSON, being in Court with counsels, KERRY O'BRIEN and JOHN GREVEN, for sentencing. On June 3, 2010, the Defendant was found GUILTY by a Jury Trial of the following charges as numbered in the Indictment:

- 1) Count 1, Aggravated Murder, Ohio Revised Code Section 2903.01(E), a special felony, which occurred on July 13, 2008
- 2) Specification 1 (Aggravated Murder of Law Enforcement Officer) to Count 1, which occurred on July 13, 2008
- 3) Specification 2 (Aggravated Murder of Law Enforcement Officer) to Count 1, which occurred on July 13, 2008
- 4) Specification 3 (Aggravated Murder of Law Enforcement Officer) to Count 1, which occurred on July 13, 2008
- 5) Specification 4 (Aggravated Murder of Law Enforcement Officer) to Count 1, which occurred on July 13, 2008
- 6) Specification 5 (Aggravated Murder of Law Enforcement Officer) to Count 1, which occurred on July 13, 2008
- 7) Count 2, Aggravated Murder (Fleeing/Escaping), Ohio Revised Code Section 2903.01(B), a special felony, which occurred on July 13, 2008
- 8) Specification 1 (Aggravated Murder - Fleeing/Escaping) to Count 2, which occurred on July 13, 2008
- 9) Specification 2 (Aggravated Murder - Fleeing/Escaping) to Count 2, which occurred on July 13, 2008
- 10) Specification 3 (Aggravated Murder - Fleeing/Escaping) to Count 2, which occurred on July 13, 2008
- 11) Specification 4 (Aggravated Murder - Fleeing/Escaping) to Count 2, which occurred on July 13, 2008
- 12) Specification 5 (Aggravated Murder - Fleeing/Escaping) to Count 2, which occurred on July 13, 2008

- 13) Count 4, Escape, Ohio Revised Code Section 2921.34(A)(1), a felony of the fifth (5th) degree, which occurred on July 13, 2008
- 14) Specification 1 to Count 4, which occurred on July 13, 2008
- 15) Specification 2 to Count 4, which occurred on July 13, 2008
- 16) Count 5, Resisting Arrest, Ohio Revised Code Section 2921.33(C), a felony of the fourth (4th) degree, which occurred on July 13, 2008
- 17) Specification 1 to Count 5, which occurred on July 13, 2008
- 18) Specification 2 to Count 5, which occurred on July 13, 2008
- 19) Count 6, Resisting Arrest, Ohio Revised Code Section 2921.33(A), a misdemeanor of the second (2nd) degree, which occurred on July 13, 2008
- 20) Count 7, Tampering with Evidence (Dodge Intrepid), Ohio Revised Code Section 2921.12(A)(1), a felony of the third (3rd) degree, which occurred on July 13, 2008
- 21) Specification 1 to Count 7, which occurred on July 13, 2008
- 22) Count 8, Tampering with Evidence (handcuffs), Ohio Revised Code Section 2921.12(A)(1), a felony of the third (3rd) degree, which occurred on July 13, 2008
- 23) Specification 1 to Count 8, which occurred on July 13, 2008
- 24) Count 9, Tampering with Evidence (Keltec, Model P-11 9mm pistol), Ohio Revised Code Section 2921.12(A)(1), a felony of the third (3rd) degree, which occurred on July 13, 2008
- 25) Count 10, Carrying Concealed Weapons, Ohio Revised Code Section 2923.12(B)(3), a felony of the fifth (5th) degree, which occurred on July 13, 2008
- 26) Specification 1 to Count 10, which occurred on July 13, 2008

The sentencing hearing commenced on June 10, 2006, and continued on until June 11, 2010. The jury made a unanimous recommendation of **DEATH** for the Defendant on merged Counts 1 and 2.

The Court inquired of the Defendant and his counsel if they had anything to say why judgment should not be pronounced against the Defendant. Having nothing but what they had already said, and showing no good and sufficient cause why judgment should not be pronounced.

The Court then announced that it found beyond a reasonable doubt that the aggravating circumstances outweighed the mitigating factors and that the death penalty would be imposed.

IN THE COURT OF COMMON PLEAS
COUNTY OF SUMMIT

THE STATE OF OHIO
vs.
ASHFORD L. THOMPSON

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Case No. CR 08 07 2390

JOURNAL ENTRY

When imposing a sentence in this case for the non-capital counts, the Court has considered the overriding purposes of felony sentencing, which are to protect the public from future crime and to punish the offenders, States vs. Comer, 99 Ohio St. 3d 463, Revised Code Section 2929.11(A).

The Court has considered the need for incapacitating the Defendant and from deterring the Defendant from committing future crime, whether or not the Defendant can be rehabilitated and the making of restitution to the victim, the public, or both, under R.C. 2929.11 in deciding the appropriate sentence.

Counts 1 and 2 are merged for the purpose of sentencing. Counts 7, 8 and 9 are merged for the purpose of sentencing.

The Court merges all Specifications into a single specification as a matter of law.

IT IS ORDERED BY THIS COURT that the Defendant, ASHFORD L. THOMPSON, for punishment of the crime of AGGRAVATED MURDER, as to the death of JOSHUA MIKTARIAN, Ohio Revised Code Section 2903.01(E), a special felony, **the sentence is DEATH**. The Court finds that because of the nature of the sentence on merged Counts 1 and 2, there is no reason to advise the Defendant of post release control on this special felony.

The Defendant is to be conveyed by the Sheriff of Summit County, Ohio, within Five (5) Days to the LORAIN CORRECTIONAL INSTITUTION at Grafton, Ohio, for immediate transport to the SOUTHERN OHIO CORRECTIONAL FACILITY at Lucasville, Ohio, and that he be there safely kept until June 23, 2011, on which day, within an enclosure, inside the walls of said SOUTHERN OHIO CORRECTIONAL FACILITY, prepared for that purpose, according to law, the said Defendant ASHFORD L. THOMPSON, shall be administered a lethal injection by the Warden of the said SOUTHERN OHIO CORRECTIONAL FACILITY, or in the case of the Warden's death or inability, or absence, by a Deputy Warden of said Institution; that the Warden or his duly authorized Deputy, shall administer a lethal injection until the Defendant, ASHFORD L. THOMPSON, is **DEAD**.

The Court proceeded with sentencing as to the remaining counts. The Defendant is committed to the Ohio Department Of Rehabilitation And Correction for punishment of the crime of:

- 1) Merged Firearm Specifications, for a definite term of Seven (7) years
- 2) Escape, Ohio Revised Code Section 2921.34(A)(1), a felony of the fifth (5th) degree, for a definite term of Twelve (12) months
- 3) Resisting Arrest, Ohio Revised Code Section 2921.33(C), a felony of the fourth (4th) degree, for a definite term of Eighteen (18) months
- 4) Resisting Arrest, Ohio Revised Code Section 2921.33(A), a misdemeanor of the second (2nd) degree, for a definite term of Ninety (90) days
- 5) Tampering with Evidence Ohio Revised Code Section 2921.12(A)(1), a felony of the third (3rd) degree, for a definite term of Five (5) years
- 6) Carrying Concealed Weapons, Ohio Revised Code Section 2923.12(B)(3), a felony of the fifth (5th) degree, for a definite term of Twelve (12) months

Pay the costs of this prosecution and *attorney fees* as directed by the Adult Probation Department. Monies are to be paid to the Summit County Clerk of Courts, Courthouse, 205 South High Street, Akron, Ohio 44308-1662.

Pursuant to the above sentence, that the Defendant be conveyed to the Lorain Correctional Institution at Grafton, Ohio, to commence the prison intake procedure.

The Merged Firearm Specifications are to be served consecutively with all counts in this case.

On merged Counts 7, 8 and 9 and Counts 4, 5 and 10, as part of the sentence in this case, the Defendant *may* be supervised on post-release control by the Adult Parole Authority for a *discretionary* period of *up to Three (3) years* after being released from prison, as determined by the Adult Parole Authority. If the Defendant is placed on post-release control and violates the terms and conditions of post-release control, the Adult Parole Authority may impose a residential sanction that may include a prison term of up to nine months, and the maximum cumulative prison term for all violations shall not exceed one-half of the stated prison term. If the Defendant pleads guilty to, or is convicted of, a new felony offense while on post-release control, the sentencing court may impose a prison term for the new felony offense as well as an additional consecutive prison term for the post-release control violation of twelve months or whatever time remains on the Defendant's post-release control period, whichever is greater.