



IN THE SUPREME COURT OF OHIO

STATE OF OHIO  
Appellee

vs.

MARK PICKENS,  
Appellant

) Case No.  
)  
)  
) Appeal taken from Hamilton County  
) Court of Common Pleas  
) Case No. B-0905088  
)  
) This is a death penalty case  
)

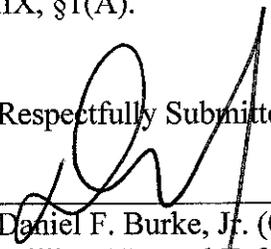
---

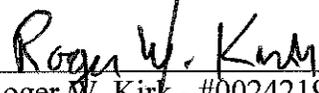
Notice of Appeal

---

Appellant Mark Pickens hereby gives notice of appeal to the Supreme Court of Ohio from the decision and judgment entry of the Hamilton County Court of Common Pleas, entered on July 13, 2010. See Exhibit A. This is a capital case and the date of the offense is June 1, 2009. See Supreme Court Rule of Practice XIX, §1(A).

Respectfully Submitted,

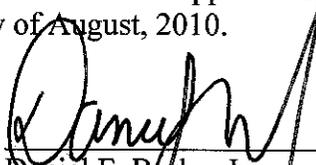
  
\_\_\_\_\_  
Daniel F. Burke, Jr. (0013836)  
William Howard Taft Law Center  
230 East Ninth St., 2<sup>nd</sup> Floor  
Cincinnati, OH 45202  
(513) 946-3701  
(513) 946-3721 fax

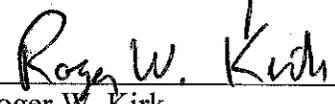
  
\_\_\_\_\_  
Roger W. Kirk - #0024219  
114 E. Eighth Street  
Cincinnati, Ohio 45202  
(513) 272-1100  
(513) 271-8888 fax

Counsel for Appellant

CERTIFICATE OF SERVICE

I hereby certify that a copy of this Notice of Appeal was served upon Counsel for Appellee by regular U.S. Mail, this 9<sup>th</sup> day of August, 2010.

  
\_\_\_\_\_  
Daniel F. Botke, Jr.  
Counsel for Appellant

  
\_\_\_\_\_  
Roger W. Kirk  
Counsel for Appellant

COURT OF COMMON PLEAS  
HAMILTON COUNTY, OHIO

STATE OF OHIO : Case No. B-0905088  
Plaintiff : (Judge Steven E. Martin)  
vs. :  
MARK PICKENS : SENTENCING OPINION  
Defendant : R.C. 2929.03(F)

2009 JUL 13 A 10:39  
FILED  
PATRICIA M. C. PERRY  
CLERK OF COURTS  
HAMILTON COUNTY, OH

This opinion is rendered pursuant to Ohio Revised Code Section 2929.03(G).

On May 31, 2009, Mark Pickens raped Noelle Washington.

On June 1, 2009, Mark Pickens went to the home of Noelle Washington and murdered her to stop her from pursuing a rape charge against him. In Ms. Washington's apartment on June 1 was Ms. Washington's 9 month old child Anthony Jones III. Also present was Sha'Railyn Wright who was 3 years old who Noelle Washington was babysitting. Pickens shot and killed both children as well. The jury found this to be one course of conduct. The jury found Pickens to be the principal offender in these Aggravated Murders.

On August 4, 2009 the Hamilton County Grand Jury returned a six count indictment charging Mark Pickens as follows:

- Count 1 - Rape
- Count 2 - Aggravated Murder with specifications
- Count 3 - Aggravated Murder with specifications
- Count 4 - Aggravated Murder with specifications
- Count 5 - Having Weapons While Under Disability
- Count 6 - Having Weapons While Under Disability



Each count of Aggravated Murder had multiple specific capital specifications as well as a firearm specification. The Aggravated Murder counts related to the deaths by homicide on

EXHIBIT  
"A"

June 1, 2009 of Noelle Washington (Count 2), Sha'Railyn Wright (Count 3) and Anthony Jones, III (Count 4).

After having been appointed Rule 20 certified counsel Perry Ancona and Norman Aubin, Pickens entered a plea of not guilty on August 7, 2010. After multiple pre-trial conferences and motion hearings, the case proceeded to trial on April 9, 2010.

On April 29, 2010, the jury returned verdicts of guilty as to all counts including each and every specification.

On May 4, 2010 the penalty phase of the trial began. The defense presented the testimony of defendant's mother, Trevina Griffin, in mitigation. The defendant also gave an unsworn statement. The defendant did not produce any other testimony whatsoever. It should be noted that at no time at any point in the trial was the defendant prohibited by the Court from calling any witness.

On May 4, 2010, after several hours of deliberation, the jury returned a sentencing recommendation of Death as to each of Counts 2, 3, and 4. The defendant, through counsel, refused any pre-sentence investigation or psychological evaluation. The case was set originally for sentencing on June 4, 2010 and moved to July 1, 2010 at the request of the Court because the Court needed additional time to review the testimony and the physical evidence. The Court requested sentencing memorandums from each party which were filed and are part of the record.

At the sentencing hearing on July 1, 2010 at 9 a.m., the defendant was afforded an opportunity to speak as well as to present any other mitigation. The Court also heard the arguments of counsel. No one except the Assistant Prosecuting Attorney spoke on behalf of the victims. The defendant as well as the attorneys answered a number of questions posed by

the Court. The case was then adjointed to allow the Court to consider the arguments of counsel and the statement of the defendant.

At 1 p.m. on July 1, 2010 the case reconvened and the Court announced the sentence as to Counts 2, 3, and 4. The Court then proceeded to hold a separate sentencing hearing on Counts 1 (Rape) and 5 (Having Weapons While Under Disability). The prosecution and the defense agreed that Counts 5 and 6 would merge. At this time several family members of the victims spoke. The defendant and his counsel, as well as the Assistant Prosecuting Attorney, were afforded an opportunity to speak. The Court considered what was said by counsel at this separate sentencing hearing and incorporated by reference the arguments of counsel and the statement of the defendant made earlier. The Court then sentenced the defendant to 10 years in prison on Count 1 and 5 years on Count 2 to run consecutively to each other and consecutively to the sentences in Counts 2, 3, and 4.

**Count 2 - The Aggravated Murder of Noelle Washington**

The defendant has been found guilty by the jury as follows:

Count 2 – The defendant was found guilty in Count 2 of the Aggravated Murder of Noelle Washington. The defendant was also convicted of 3 specifications to Count 2:

Specification 1 – The defendant, Mark Pickens, did have on or about his person, or under his control, a firearm while committing the offense of Aggravated Murder as alleged in Count 2.

Specification 2 – The defendant, Mark Pickens, did commit the offense for the purpose of escaping detection or apprehension or trial or punishment for another crime committed by him, to wit: Rape (R.C. 2929.04(A)(4)).

Specification 3 – The defendant, Mark Pickens, was part of a course of conduct involving the purposeful killing of or attempt to kill two or more persons. (R.C. 2929.04(A)(4)(5))

Specification 1 to Count 2 is commonly known as the 3 year mandatory incarceration gun specification and is not a capital specification or an aggravating circumstance. Specifications 2 and 3 to Count 2 are each a capital specification and each is an aggravating circumstance.

**Count 3 - The Aggravated Murder of Sha'Railyn Wright**

The defendant was found guilty in Count 3 of the Aggravated Murder of Sha'Railyn Wright. The defendant was also found guilty of 3 specifications to Count 3:

Specification 1 – The defendant, Mark Pickens, did have on or about his person, or under his control, a firearm while committing the offense of Aggravated Murder as alleged in Count 3.

Specification 2 – The defendant, Mark Pickens, was part of a course of conduct involving the purposeful killing of or attempt to kill 2 or more persons. (R.C. 2929.04(A)(5))

Specification 3 – The defendant, Mark Pickens, in the commission of the offense, purposefully caused the death of Sha'Railyn Wright, who was under thirteen years of age at the time of the commission of the offense, and that Mark Pickens was the principal offender in the commission of the offense. (R.C. 2929.04(A)(9))

Specification 1 to Count 3 is commonly known as the 3 year mandatory incarceration gun specification and is not a capital specification or an aggravating circumstance. Specifications 2 and 3 are each a capital specification and each is an aggravating circumstance.

**Count 4 - The Aggravated Murder of Anthony Jones III**

The defendant was convicted in Count 4 which was the Aggravated Murder of Anthony Jones III. The defendant was convicted of 3 specifications to Count 4:

Specification 1 – The defendant, Mark Pickens, did have on or about his person, or under his control, a firearm while committing the offense of Aggravated Murder.

Specification 2 – The defendant, Mark Pickens, was part of a course of conduct involving the purposeful killing of or attempt to kill two or more persons. (R.C. 2929.04(A)(5))

Specification 3 – The defendant, Mark Pickens, did in the commission of the offense, purposefully cause the death of Anthony Jones III, who was under thirteen years of age at the time of the commission of the offense, and that Mark Pickens was the principal offender in the commission of the offense. (R.C. 2929.04(A)(9))

Specification 1 to Count 4 is commonly known as the 3 year mandatory incarceration gun specification. Specification 2 and 3 are each a capital specification and each is an aggravating circumstance.

The Court considered each of Counts 2, 3, and 4 separately in deciding whether the aggravating circumstances outweighed the mitigating factors pertaining to each count beyond a reasonable doubt.

Counsel reviewed the verdict forms each time before they were submitted to the jury and after the verdicts were returned and found them to be in order at all times. The jury was polled each time and each juror stated that the verdicts as completed by the jury and read in open court were their true and accurate verdicts.

**Mitigating Factors (2929.04(B)(1-7))**

- (1) Whether the victim of the offense induced or facilitated it (2929.04(B)(1)).

There is no evidence whatsoever in the record to support this as a mitigating factor with regard to any of the three victims.

- (2) 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 (2929.04(B)(2))

There is no evidence in the record to support this as a mitigating factor with regard to any of the three victims.

- (3) Whether, at the time of committing the offense, the offender, because of mental disease or defect, lacked substantial capacity to appreciate the criminality of the offender's conduct or to conform the offender's conduct to the requirements of the law.

There is no evidence in the record to support this as a mitigating factor with regard to any of the three victims. Specifically, the Court finds there is no indication in the record that the defendant was mentally impaired in any way.

The defendant knew right from wrong. These homicides were each committed for a very specific purpose.

The Court offered to have the defendant psychologically examined by someone appointed by the Court which was refused. The Court has placed no restriction whatsoever on the defense to have the defendant be examined by an expert of their choosing.

- (4) The youth of the offender (2929.04(B)(4)).

The defendant was 19 when he committed the Aggravated Murders set forth in Counts 2, 3, and 4. The Court gave the defendant's age some weight in mitigation. This is by far the most significant of the mitigating factors.

- (5) The offender's lack of a significant history of prior criminal convictions and delinquency adjudications (2929.04(B)(5)).

The parties agreed that as a juvenile the defendant was twice sent to the Ohio Department of Youth Services for incarceration. The parties also agreed that, as an adult, the defendant has one prior misdemeanor conviction for Unauthorized Use of Property. The Court gave the defendant's lack of a significant prior adult history of criminal convictions some weight even though he had been an adult only for a short time on June 1, 2009.

- (6) If the offender was a participant in the offense but not the principal offender, the degree of the offender's participation in the offense and the degree of the offender's participation in the acts that led to the death of the victim (2929.04(B)(6)).

There is nothing in the record to support this as a mitigating factor with regard to any of the three victims. The defendant acted alone in committing the Aggravated Murders in Counts 2, 3, and 4.

- (7) Any other factors that are relevant to the issue of whether the offender should be sentenced to death (2929.04(B)(7)).

The Court has examined the record several times and considered the following:

(A) Residual Doubt.

At the urging of the defendant, the Court, along with the jury, considered residual doubt as a mitigating factor. After a careful review of all the evidence and testimony,

the Court finds that there is no residual doubt in this case. As such, no weight is given to any claim of residual doubt. The Court finds that there is no doubt whatsoever that the defendant is guilty of the Aggravated Murders of Noelle Washington as alleged in Count 2, Sha'Railyn Wright as alleged in Count 3, and Anthony Jones III as alleged in Count 4. There is no doubt as well that the defendant is guilty of the specifications in each of Counts 2, 3, and 4.

(B) Mitigation placed in the record at the sentencing hearing.

(a) The defendant's mother, Trevina Griffin, testified that she was 16 when the defendant was born. She also testified that she had a difficult childhood. She did not say anything about the defendant's childhood. Ms. Griffin testified that she loves the defendant and asked the jury to spare his life. The Court gave Ms. Griffin's testimony some weight.

(b) The defendant, while consistently denying that he committed these offenses, expressed remorse for the deaths of the 3 victims and asked the jury to spare his life. The Court considered and gave some weight both to the unsworn statement of the defendant at the penalty phase of the trial as well as his statement at sentencing.

(C) The Court has also considered and given some weight to the sentencing memorandum filed by the defense as well as the arguments of counsel given on the morning of the July 1, 2010 sentencing hearing.

(D) The defendant completed his GED outside of being in a penal facility. While most people finish High School, it is the Court's experience that most criminal defendants that appear in Common Pleas Court do not. If these defendants get a GED, it is usually while they are incarcerated. The fact that the defendant got his GED

while he was not incarcerated is something to be considered in his favor as a mitigating factor and the Court has given it some weight even though it was not independently verified.

(E) The defendant stated that he does have some work history. He has worked for a Family Dollar store, the United States Postal Service, as well as at a temporary employment agency called Today's Staffing. The Court gave this some weight as a mitigating factor even though it was not independently verified.

(F) The defendant's post-conviction cooperation with law enforcement.

The defendant, through counsel, indicated that since the jury verdicts he has given the police information on several criminal offenses. The assistant prosecuting attorney stated that his office would never use Mr. Pickens as a witness because of credibility issues. The extent of the defendant's cooperation is unclear. The Court has given it some weight but not very much.

(G) The nature and circumstances of the offenses were examined by the Court only to see whether they provided any mitigating factors. After a careful review the Court determines that there are no mitigating factors in the nature and circumstance of the offenses.

The fact that the defendant did not confess to the crimes charged in the indictment was not considered for any reason. The fact that the defendant asserted his rights to a jury trial and to confront his accusers is not considered for any purpose. Finally, the fact that the defendant currently has serious felony charges pending at this time was not considered for any purpose.

## ANALYSIS

Prior to the sentencing on July 1, 2010, the Court reviewed all of the evidence in the case. The Court sat through the trial and examined the evidence then. After the jury verdict recommending death, the Court reviewed it's notes from the trial and the trial testimony as well as the physical evidence.

The Court considered all of the mitigating factors presented and examined the testimony and each piece of evidence looking for additional mitigating factors. The Court did not limit itself to only the mitigating factors presented by the defense.

The jury was given the same opportunity as the Court to examine the evidence in a search for any mitigating factor in favor of a life sentence as opposed to a death sentence. The Court examined the evidence as well as the testimony and could find no mitigating factors other than those listed above. The Court has not considered any aggravating circumstances for any of Counts 2, 3 or 4 except those found by the jury.

As stated before, the most significant mitigating factor is the defendant's age of 19 when he committed these offenses. The other mitigating factors do not carry much weight at all. Analyzing the case, the Court separately weighed all of the mitigating factors first against the aggravating circumstances in Count 2. The Court then performed the same analysis as to Count 3 and finally as to Count 4. All of the mitigating factors were weighed against the aggravating circumstances for each of Counts 2, 3, and 4 separately.

Upon consideration of the relevant evidence raised at trial, the testimony, the unsworn statement of the defendant, and the arguments of counsel, with regard to each of Counts 2, 3, and 4, the Court finds that the aggravating circumstances on each of Counts 2, 3, and 4 outweigh the mitigating factors, not only by proof beyond a reasonable doubt, but beyond any doubt.

The aggravating circumstances in each of Counts 2, 3, and 4 are very serious.

Regarding Count 2, defendant went into the home of Noelle Washington with a specific intent to kill her to avoid detection or trial on a charge of rape. This action strikes at the very heart of our system of law. In addition to murdering Noelle Washington, the defendant also executed Sha'Railyn Wright and Anthony Jones III in the same course of conduct.

Regarding Count 3, the defendant, in addition to killing Sha'Railyn Wright who was 3 years old, also was found to have killed two other people as part of a course of conduct.

Regarding Count 4, the defendant, in addition to committing the Aggravated Murder of Anthony Jones III who was 9 months old at the time, also was found to have killed two other people as part of a course of conduct.

Society has a right, in fact a duty, to punish harshly those who kill children as well as those who commit multiple homicides. These are not trivial aggravating circumstances. They strike at the heart of who we are as a society and the value we place on human life, especially young life.

In comparison, the Court finds the totality of the mitigation in this case when applied separately against each of Counts 2, 3, and 4 to be slight.

Even the defendant's youth, which is unquestionably the most significant mitigating factor, does not carry much weight. These murders were not a youthful impulsive series of acts. The murder of Noelle Washington was an intentional act committed for a specific purpose. The murders of Sha'Railyn Wright, age 3, and Anthony Jones III, age 9 months, were part of the same course of conduct. The defendant knew right from wrong. He was not impaired in any way.

The rest of the mitigating factors are slight and do not individually or collectively carry much weight. The extent and sincerity of the remorse expressed by the defendant is open to question. The fact that he has a mother who loves him, has obtained his GED and has some work history are all positive and are to be weighed in his favor but do not carry much weight. His lack of criminal record as an adult is offset somewhat by the fact that he has an extensive juvenile record and the fact that he had not been an adult very long on June 1, 2009. His post-trial cooperation with law enforcement is a very slight mitigating factor.

The mitigating factors that the Court identified when applied in their totality against the aggravating circumstances for each of the separate counts, pale in comparison to the gravity, weight and significance of those aggravating circumstances. There are no mitigating factors that apply solely to Count 2, Count 3, or Count 4. Each of Counts 2, 3, and 4 have been weighed separately against the entirety of the mitigating factors.

Specifically, the Court finds the mitigation with regard to each homicide to be slight and the weight of the aggravating circumstances for each homicide to be overwhelming.

Prior to sentencing the defendant on Counts 2, 3, and 4, the Court did not hear from or speak to the family or friends of any of the victims except what was elicited as testimony at trial. The Court did not speak to any of the jurors. The Court carefully weighed the law and all four sentencing options.

## CONCLUSION

### COUNT 2

As to Count 2, the Court accepts the recommendation of the jury. The defendant, Mark Pickens, is hereby sentenced to death for the Aggravated Murder of Noelle Washington.

**COUNT 3**

As to Count 3, the Court accepts the recommendation of the jury. The defendant, Mark Pickens, is hereby sentenced to death for the Aggravated Murder of Sha'Railyn Wright.

**COUNT 4**

As to Count 4, the Court accepts the recommendation of the jury. The defendant, Mark Pickens, is hereby sentenced to death for the Aggravated Murder of Anthony Jones III.

The sentences in Counts 2, 3, and 4 are to be served consecutively. The gun specification in Count 2 and 3 are merged with the gun specification in Count 4.

The Court did not in any way consider the cumulative effect of Pickens' having been convicted of Rape or Having Weapons While Under Disability. Each of Counts 2, 3, and 4 was considered separately and each aggravating circumstance on each count was considered only for that count. Each count was considered separately and independently.

The Court orders that the execution date of Mark Pickens shall be set for October 18, 2010 to be carried out by the appropriate authorities. This execution date shall be subject to further order by a court of competent jurisdiction. Mark Pickens shall be remanded to the appropriate Ohio prison institution to be held on death row pending his execution.

The Court has appointed Daniel F. Burke (0013836) and Roger W. Kirk (0024219) to serve as Appellate Counsel. Both Mr. Burke and Mr. Kirk are certified to handle this type of appeal.

The Court also orders that the Hamilton County Clerk of Courts shall deliver a copy of the entire case file to the Ohio Supreme Court.

  
Steven E. Martin, Judge

July 13, 2010  
13

Copies to:

Seth Tieger, Esq.  
Assistant Prosecuting Attorney  
230 E. Ninth Street, Suite 4000  
Cincinnati, OH 45202

Katie Burroughs, Esq.  
Assistant Prosecuting Attorney  
230 E. Ninth Street, Suite 4000  
Cincinnati, Oh 45202

Norman Aubin, Esq.  
2200 Fourth & Vine Tower  
One West Fourth Street  
Cincinnati, OH 45202

Perry Ancona, Esq.  
917 Main Street, 2<sup>nd</sup> Floor  
Cincinnati, OH 45202

Daniel F. Burke, Jr., Esq.  
Hamilton County Public Defender  
William Howard Taft Law Center  
230 E. Ninth Street, 2<sup>nd</sup> Floor  
Cincinnati, OH 45202

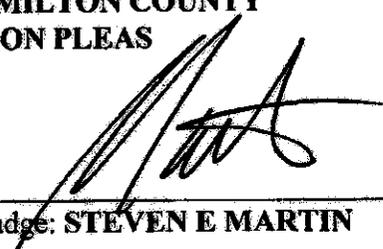
Roger W. Kirk, Esq.  
114 E. Eighth Street  
Cincinnati, OH 45202

Patricia Clancy  
Hamilton County Clerk of Courts  
1000 Main Street, Room 375  
Cincinnati, OH 45202

THE STATE OF OHIO, HAMILTON COUNTY  
COURT OF COMMON PLEAS

date: 07/01/2010  
code: GJEI  
judge: 207



  
Judge: STEVEN E MARTIN

NO: B 0905088

STATE OF OHIO  
VS.  
MARK PICKENS

JUDGMENT ENTRY: SENTENCE:  
INCARCERATION

Defendant was present in open Court with Counsel PERRY L ANCONA and A NORM AUBIN on the 1st day of July 2010 for sentence.

The court informed the defendant that, as the defendant well knew, after defendant entering a plea of not guilty and after trial by jury, the defendant has been found guilty of the offense(s) of:

- count 1: RAPE, 2907-02A2/ORCN,F1
- count 2: AGGRAVATED MURDER WITH SPECS #1, #2, & #3, 2903-01A/ORCN,CD
- count 3: AGGRAVATED MURDER WITH SPECS #1, #2, & #3, 2903-01C/ORCN,CD
- count 4: AGGRAVATED MURDER WITH SPECS #1, #2, & #3, 2903-01C/ORCN,CD
- count 5: HAVING WEAPONS WHILE UNDER DISABILITY, 2923-13A3/ORCN,F3
- count 6: HAVING WEAPONS WHILE UNDER DISABILITY, 2923-13A3/ORCN,F3

The Court afforded defendant's counsel an opportunity to speak on behalf of the defendant. The Court addressed the defendant personally and asked if the defendant wished to make a statement in the defendant's behalf, or present any information in mitigation of punishment.

Defendant is sentenced to be imprisoned as follows:

count 1: CONFINEMENT: 10 Yrs DEPARTMENT OF CORRECTIONS

count 2: CONFINEMENT: DEPARTMENT OF CORRECTIONS  
DEATH BY LETHAL INJECTION

count 3: CONFINEMENT: DEPARTMENT OF CORRECTIONS  
DEATH BY LETHAL INJECTION

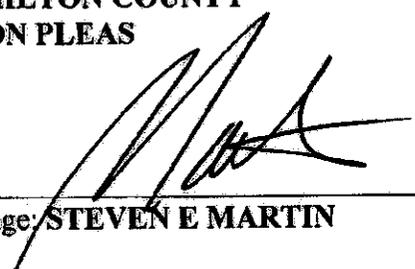
Defendant was notified of the right to appeal as required by



THE STATE OF OHIO, HAMILTON COUNTY  
COURT OF COMMON PLEAS

date: 07/01/2010  
code: GJEI  
judge: 207



  
Judge: STEVEN E MARTIN

NO: B 0905088

STATE OF OHIO  
VS.  
MARK PICKENS

JUDGMENT ENTRY: SENTENCE:  
INCARCERATION

**count 4: CONFINEMENT: DEPARTMENT OF CORRECTIONS  
DEATH BY LETHAL INJECTION  
CONFINEMENT ON SPECIFICATION #1: 3 Yrs DEPARTMENT OF  
CORRECTIONS  
MANDATORY TERM TO BE SERVED CONSECUTIVELY TO THE  
SENTENCE IMPOSED IN UNDERLYING OFFENSE IN COUNT #4.**

**count 5: CONFINEMENT: 5 Yrs DEPARTMENT OF CORRECTIONS**

**THE SENTENCES IN COUNTS #2, #3, AND #4 ARE TO BE SERVED  
CONSECUTIVELY TO EACH OTHER.**

**THE SENTENCES IN COUNTS #1 AND #5 ARE TO BE SERVED  
CONSECUTIVELY TO EACH OTHER AND CONSECUTIVELY TO THE  
SENTENCES IN COUNTS #2, #3, AND #4.**

**COUNT #6 IS MERGED WITH COUNT #5 FOR THE PURPOSE OF  
SENTENCING.**

**SPECIFICATIONS #1 TO COUNTS #2 AND #3 ARE MERGED WITH  
SPECIFICATION #1 TO COUNT #4 FOR THE PURPOSE OF SENTENCING.**

**THE DEFENDANT IS TO RECEIVE CREDIT FOR THREE HUNDRED NINETY  
FOUR (394) DAYS TIME SERVED.**

**COURT COSTS WAIVED DUE TO AFFIDAVIT OF INDIGENCY.**

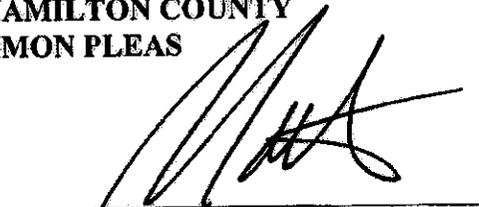
**FURTHER, IN ACCORDANCE WITH RC 2901.07, THE DEFENDANT IS  
REQUIRED TO SUBMIT A DNA SPECIMEN WHICH WILL BE COLLECTED  
AT THE PRISON, JAIL, CORRECTIONAL OR DETENTION FACILITY TO  
WHICH THE DEFENDANT HAS BEEN SENTENCED. IF THE SENTENCE  
INCLUDES ANY PERIOD OF PROBATION OR COMMUNITY CONTROL, OR  
IF AT ANY TIME THE DEFENDANT IS ON PAROLE, TRANSITIONAL**

Defendant was notified of the right to appeal as required by Crim. R 32(A)(2)

THE STATE OF OHIO, HAMILTON COUNTY  
COURT OF COMMON PLEAS

date: 07/01/2010  
code: GJEI  
judge: 207



  
Judge: STEVEN E MARTIN

NO: B 0905088

STATE OF OHIO  
VS.  
MARK PICKENS

JUDGMENT ENTRY: SENTENCE:  
INCARCERATION

**CONTROL OR POST-RELEASE CONTROL, THE DEFENDANT WILL BE REQUIRED, AS A CONDITION OF PROBATION, COMMUNITY CONTROL, PAROLE, TRANSITIONAL CONTROL OR POST-RELEASE CONTROL, TO SUBMIT A DNA SPECIMEN TO THE PROBATION DEPARTMENT, ADULT PAROLE AUTHORITY, OR OTHER AUTHORITY AS DESIGNATED BY LAW. IF THE DEFENDANT FAILS OR REFUSES TO SUBMIT TO THE REQUIRED DNA SPECIMEN COLLECTION PROCEDURE, THE DEFENDANT WILL BE SUBJECT TO ARREST AND PUNISHMENT FOR VIOLATING THIS CONDITION OF PROBATION, COMMUNITY CONTROL, PAROLE, TRANSITIONAL CONTROL OR POST-RELEASE CONTROL.**

**AS PART OF THE SENTENCE IN THIS CASE AS TO COUNT #1, THE DEFENDANT SHALL BE SUPERVISED BY THE ADULT PAROLE AUTHORITY AFTER DEFENDANT LEAVES PRISON, WHICH IS REFERRED TO AS POST-RELEASE CONTROL, FOR FIVE ( 5 ) YEARS.**

**IF THE DEFENDANT VIOLATES POST-RELEASE CONTROL SUPERVISION OR ANY CONDITION THEREOF, THE ADULT PAROLE AUTHORITY MAY IMPOSE A PRISON TERM, AS PART OF THE SENTENCE, OF UP TO NINE ( 9 ) MONTHS, WITH A MAXIMUM FOR REPEATED VIOLATIONS OF FIFTY PERCENT ( 50% ) OF THE STATED PRISON TERM. IF THE DEFENDANT COMMITS A NEW FELONY WHILE SUBJECT TO POST-RELEASE CONTROL, THE DEFENDANT MAY BE SENT TO PRISON FOR THE REMAINING POST-RELEASE CONTROL PERIOD OR TWELVE ( 12 ) MONTHS, WHICHEVER IS GREATER. THIS PRISON TERM SHALL BE SERVED CONSECUTIVELY TO ANY PRISON TERM IMPOSED FOR THE NEW FELONY OF WHICH THE DEFENDANT IS CONVICTED.**

Defendant was notified of the right to appeal as required by Crim. R 32(A)(2)