ORIGINAL

IN THE SUPREME COURT OF OHIO

STATE OF OHIO,	*	Supreme Court Case No.:
	*	
Appellee,	*	On Appeal from the
	*	Lucas County Court of
vs.	*	Common Pleas
	*	
ANTHONY BELTON,	*	12-0902
	*	Common Pleas
Appellant.	*	Case No. CR08-2934

DEATH PENALTY CASE

NOTICE OF APPEAL OF APPELLANT, ANTHONY BELTON

SPIROS P. COCOVES (0030396) (COUNSEL OF RECORD)
610 Adams Street, Second Floor
Toledo, Ohio 43604-1423
419/241-5506 (voice)
419/242-3442 (fax)

and

JEFFREY P. NUNNARI (0059691)
3349 Executive Parkway, Ste. D
Toledo, OH 43606
419/578-9246 (voice)
419/531-5675 (fax)

COUNSEL FOR APPELLANT, ANTHONY BELTON

Julia Bates
Lucas County Prosecuting Attorney
Lucas County Courthouse
700 Adams Street
Toledo, Ohio 43624
Phone: (419) 213-4700
Fax: (419) 213-4595

COUNSEL FOR APPELLEE, STATE OF OHIO

RECEIVED
MAY 24 2012
CLERK OF COURT
SUPREME COURT OF OHIO

FILED
MAY 24 2012
CLERK OF COURT
SUPREME COURT OF OHIO

Notice of Appeal of Appellant, ANTHONY BELTON

Appellant, ANTHONY BELTON, hereby gives notice of appeal to the Supreme Court of Ohio from the judgment of the Lucas County Court of Common Pleas pronounced, file-stamped, and journalized April 19, 2012. The R.C. 2929.03(F) Opinion was filed and journalized on April 19, 2012.

This is a capital case in which the offense occurred after January 1, 1995.

Respectfully submitted,

SPIROS P. COCOVES

JEFFREY P. NUNNARI

COUNSEL FOR APPELLANT,
ANTHONY BELTON

CERTIFICATE OF SERVICE

I hereby certify that a copy of the foregoing notice of appeal was delivered by hand to the office of the Lucas County Prosecuting Attorney the 23rd day of May 2012.

Spiros P. Cocoves
COUNSEL FOR APPELLANT,
ANTHONY BELTON

SCANNED

FILED
LUCAS COUNTY

2012 APR 18 P 2:11

COMMON PLEAS COURT
BERNIE QUILTER
CLERK OF COURTS

IN THE COMMON PLEAS COURT, LUCAS COUNTY, OHIO

STATE OF OHIO Plaintiff.	* *	CASE NO: G-4801-CR-0200802934-000
v.	*	ORDER
ANTHONY BELTON Defendant.	* *	JUDGE RUTH ANN FRANKS

* * * * * * *

April 06, 2012. Court Reporter TRICIA WADSWORTH, Assistant Prosecutor JEFFREY D. LINGO, ROBERT A. MILLER and TIMOTHY F. BRAUN, PETER G. ROST and RONNIE L. WINGATE on behalf of the Defendant, and Defendant ANTHONY BELTON present in court.

The Three-Judge Panel resumed deliberations on Friday, April 6, 2012, at 9:40a.m.

At 2:53p.m. the Three-Panel returned a unanimous verdict finding that the aggravating circumstance that the Defendant, Anthony Belton, was found guilty of committing, outweighs any and all mitigating factors presented in this case by proof beyond a reasonable doubt.

Matter proceeded to sentence. The Three-Judge Panel has considered the record, oral statements as well as the principles and purposes of sentencing under R.C. 2929.11, and has balanced the seriousness and recidivism factors under R.C. 2929.12.

The Three-Judge Panel finds that on April 4, 2012, the Defendant, Anthony Belton, was found guilty by a Three-Judge Panel of the offense of Count One, Aggravated Murder, in violation of R.C. 2903.01(B) and (F); Specification One as to Count One - Aggravating Circumstance/Specification, in violation of R.C. 2929.04(A)(3); Specification Two as to Count One - Aggravating Circumstance/Specification in violation of R.C. 2929.04(A)(7); and Specification Three as to Count One- Firearm Specification, in violation of R.C. 2941.145; Count Two, Aggravated Robbery, in violation of R.C. 2911.01(A)(1), a felony of the first degree; Specification One as to Count Two - Firearm Specification, in violation of R.C. 2941.145; and

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Count Three, Aggravated Robbery, in violation of R.C. 2911.01(A)(3), a felony of the first degree; and Specification One as to Count Three - Firearm Specification, in violation of R.C. 2941.145.

The three judge panel further has found that Aggravating Circumstance Specification One, in violation of R.C. 2929.04(A)(3) and Aggravating Circumstance Specification Two, in violation of R.C. 2929.04(A)(7), both of which were attached to the Count One of the Indictment, Aggravated Murder, in violation of R.C. 2903.01(B) and (F), arose from the same act or indivisible course of conduct by the Defendant and therefore were merged prior to the mitigation hearing proceeded. Further the State of Ohio elected to proceed on Aggravating Circumstance Specification Two, in violation of R.C. 2929.04(A)(7).

The three judge panel further has found that Count 2, Aggravated Robbery, in violation of R.C. 2911.01 (A)(1), a felony of the first degree and Count 3, Aggravated Robbery, in violation of R.C. 2911.01 (A)(3), a felony of the first degree, are merged for sentencing purposes.

The three judge panel further has found that the Firearm Specifications attached to Count One, Count Two and Count Three, in violation of R.C. 2941.145, are merged for sentencing purposes.

Having merged Count 2, Aggravated Robbery, in violation of R.C. 2911.01 (A)(1), a felony of the first degree and Count 3, Aggravated Robbery, in violation of R.C. 2911.01 (A)(3), a felony of the first degree, the three judge panel finds, pursuant to 2929.14(B), that the shortest prison term possible will demean the seriousness of the offense and will not adequately protect the public, and therefore the three judge panel imposes a greater term as to the offense of Aggravated Robbery.

The three-judge panel further finds that the Defendant, Anthony Belton has committed the worst form of the offense and poses the greatest likelihood of recidivism and therefore the three judge panel imposes the maximum sentence for the offense.

It is therefore ORDERED that the Defendant, Anthony Belton, having been found guilty by the three-judge panel of aggravated robbery in violation of 2911.01(A)(1) as charged in the second count of the indictment, a felony of the first degree, and having been found guilty by the three-judge panel of aggravated robbery in violation of 2911.01(A)(3) as charged in the third count of the indictment, a felony of the first degree, and having merged Count Two and Count Three for sentencing, it is therefore ORDERED that the Defendant, Anthony Belton serve a term of TEN (10) years in prison to the Ohio Department of Rehabilitation and Corrections in Orient, Ohio. An additional term is imposed as a mandatory and consecutive term pursuant to R.C. 2929.14D)(1) of THREE (3) years as the Firearm Specifications attached to count 1, count 2 and count 3, which have now been merged for a single consecutive prison term of THREE (3) years.

It is further ORDERED that as to the merged sentencing of Count 2 and Count 3, the Defendant is subject to 5 (FIVE) years of mandatory post-release control, if the Defendant would

be released from imprisonment pursuant to R.C. 2967.28 and R.C. 2929.14.

Defendant notified that if post release control conditions are violated the adult parole authority or parole board may impose a more restrictive or longer control sanction or return a defendant to prison for up to nine months for each violation, up to a maximum of 50% of the stated term originally imposed. Defendant further notified that if the violation of post release control conditions is a new felony, a defendant may be both returned to prison for the greater of one year or the time remaining on post release control, plus receive a prison term for the new felony.

As to Count 1 of the indictment, aggravated murder and upon the specification that the that the aggravated murder was committed while the Defendant, Anthony Belton was committing or fleeing immediately after committing aggravated robbery and the Defendant, Anthony Belton was the principal offender in the commission of aggravated murder in violation of R.C. 2929.04(A)(7) , it is further ORDERED that the Defendant, Anthony Belton be put to death by lethal injection pursuant to 2949.22.

It is further ORDERED that the Defendant, Anthony Belton, be conveyed to the Ohio Department of Rehabilitation and Corrections or a different facility as specified and designated by the director of the Ohio Department of Rehabilitation and Corrections by the Lucas County Sheriff within 30 days thereof and the writ of execution of death penalty shall issue accordingly required pursuant to 2941.21.

It is further ORDERED and thereafter the defendant, Anthony Belton, be subsequently transferred to the Southern Ohio Correctional facility at Lucasville or to the facility designated by the director of the Ohio Department of Rehabilitation and Corrections and that the Defendant, Anthony Belton, shall be kept at this facility until August 1st, 2012 at midnight. On that date and that time and in that place in accordance with 2949.22 the sentence of death shall be imposed upon the Defendant, Anthony Belton, by lethal injection. The application of the drug or combination of drugs shall be continued until such time as Defendant, Anthony Belton is dead.

Defendant notified that under federal law 18 USC 922(g) and state law, as a result of a felony conviction or a misdemeanor offense of violence conviction against a family or household member, defendant shall never be able to ship, use, receive, purchase, own, transport, or otherwise possess a firearm or ammunition and violation is punishable as a felony offense.

Defendant found to have, or reasonably may be expected to have, the means to pay all or part of the applicable costs of supervision, confinement, assigned counsel, and prosecution as authorized by law. Defendant ordered to reimburse the State of Ohio and Lucas County for such costs. This order of reimbursement is a judgment enforceable pursuant to law by the parties in whose favor it is entered. Defendant further ordered to pay the cost assessed pursuant to R.C. 9.92(C), 2929.18 and 2951.021. Notification pursuant to R.C. 2947.23 given.

Defendant given notice of appellate rights under R.C. Section 2953.08. Defendant found indigent and appointed the following appellate counsel of record: SPIROS P. COCOVES and

SCANNED

SCANNED

JEFFREY P. NUNNARI.

Defendant is ORDERED conveyed to the custody of the Ohio Department of Rehabilitation and Corrections.

Credit for 1332 days is granted as of April 6, 2012, along with future custody days while defendant awaits transportation to the appropriate state institution. In accordance with R.C. Section 2929.03(F) of the Ohio Revised Code, this Three-Judge Panel will file a separate written opinion within fifteen days hereof setting forth the Court's specific findings of the aggravating circumstances proven beyond a reasonable doubt and the existence or non-existence of mitigating factors, and the Court's reasons why the aggravating factors outweighs the mitigating factors beyond a reasonable doubt.

JUDGE RUTH ANN FRANKS

JUDGE JAMES D. JENSEN

JUDGE GENE A. ZMUDA