

ORIGINAL

IN THE COURT OF COMMON PLEAS
MAHONING COUNTY, OHIO

13-1281

STATE OF OHIO

PLAINTIFF

VS.

CHAD BARNETTE

DEFENDANT

CASE NUMBER: 01-CR-173

CLERK OF COURTS
MAHONING COUNTY, OHIO
MAR 21 2002
FILED
ANTHONY VIVO, CLERK

JUDGE R. SCOTT KRIGBAUM
FILED
JUDGMENT ENTRY OF SENTENCE
AUG 09 2013
CLERK OF COURT
SUPREME COURT OF OHIO

On March 20, 2002, Defendant's sentencing hearing was held pursuant to Ohio Revised Code Section 2929.19. Present in open Court were the defendant Chad Barnette and his counsel Mark Lavelle. The State of Ohio was represented by Assistant Prosecuting Attorneys Timothy Franken, Joseph Macejko, and Michael Maillis. The Court has considered the record, statements of counsel, any sentencing pleadings filed by counsel, as well as the principles and purposes of sentencing under Ohio Revised Code Section 2929.11. The Court has balanced the seriousness and recidivism factors under Ohio Revised Code Section 2929.12 and has followed the guidance by degree of felony in RC. 2929.13. The Prosecutor informed the Court that the victims were notified of today's hearing, were in attendance, and the representative of victim William Sovak did address the Court prior to sentencing.

The Court finds that the defendant has been convicted of one count of Attempted Aggravated Murder, a violation of Ohio Revised Code 2923.02(A)(3) and 2903.01(B)(F), a felony of the first degree. The Court finds that the defendant has been convicted of two counts of Aggravated Burglary, violations of Ohio Revised Code 2911.11(A)(1)(B), felonies of the first degree. The Court finds that the defendant has been convicted of three counts of Aggravated Robbery, violations of Ohio Revised Code 2911.01(A)(2)(C), felonies of the first degree, two of which included a firearm specification in violation of RC. 2941.145(A). The Court finds that the defendant has been convicted of three counts of Kidnapping, violations of Ohio Revised Code 2905.01(A)(3)(B), felonies of the first degree, two of which included a firearm specification in violation of RC. 2941.145(A). The Court finds that the defendant has been convicted of one count of Felonious Assault, a violation of Ohio Revised Code 2903.11(A)(1)(D), a felony of the second degree. The Court finds that the defendant has been convicted of one count of Receiving Stolen Property, a violation of Ohio Revised Code 2913.51(A)(C), a felony of the fourth degree. The prosecutor recommended the maximum time

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Exhibit
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allowable by law. The Court finds that the defendant is not amenable to Community Control and that prison is consistent with the purposes of RC. 2929.11. For each of the counts, the Court finds pursuant to RC. 2929.14(B) that the shortest prison term possible will demean the seriousness of each offense and will not adequately protect the public and therefore imposes a greater term. For each of the counts, the Court further finds that defendant has committed the worst form of the offense and poses the greatest likelihood of recidivism and therefore imposes the maximum sentence for each offense.

It is hereby ordered that for the charge in Count One, Attempted Aggravated Murder, Defendant shall serve a term of Ten (10) years of incarceration in the Department of Rehabilitations and Corrections. For the charge in Count Two, Aggravated Burglary, Defendant shall serve a term of Ten (10) years of incarceration in the Department of Rehabilitations and Corrections. For the charge in Count Three, Aggravated Robbery, Defendant shall serve a term of Ten (10) years of incarceration in the Department of Rehabilitations and Corrections. For the charge in Count Four, Kidnapping, Defendant shall serve a term of Ten (10) years of incarceration in the Department of Rehabilitations and Corrections. For the charge in Count Five, Aggravated Burglary, Defendant shall serve a term of Ten (10) years of incarceration in the Department of Rehabilitations and Corrections. For the charge in Count Six, Aggravated Robbery, Defendant shall serve a term of Ten (10) years of incarceration in the Department of Rehabilitations and Corrections. In addition, the defendant is sentenced to serve Three (3) years of actual incarceration for the firearm specification to be served prior to and consecutive to the sentence imposed for the charge of Aggravated Robbery in Count Six pursuant to RC. 2929.14(D)(1)(a)(ii). For the charge in Count Seven, Aggravated Robbery, Defendant shall serve a term of Ten (10) years of incarceration in the Department of Rehabilitations and Corrections. In addition, the defendant is sentenced to serve Three (3) years of actual incarceration for the firearm specification to be served prior to and consecutive to the sentence imposed for the charge of Aggravated Robbery in Count Seven pursuant to RC. 2929.14(D)(1)(a)(ii). For the charge in Count Eight, Kidnapping, Defendant shall serve a term of Ten (10) years of incarceration in the Department of Rehabilitations and Corrections. In addition, the defendant is sentenced to serve Three (3) years of actual incarceration for the firearm specification to be served prior to and consecutive to the sentence

imposed for the charge of Kidnapping in Count Eight pursuant to RC. 2929.14(D)(1)(a)(ii). The Court further finds that the sentence on Counts Eight and Six merge under law. For the charge in Count Nine, Kidnapping, Defendant shall serve a term of Ten (10) years of incarceration in the Department of Rehabilitations and Corrections. In addition, the defendant is sentenced to serve Three (3) years of actual incarceration for the firearm specification to be served prior to and consecutive to the sentence imposed for the charge of Kidnapping in Count Nine pursuant to RC. 2929.14(D)(1)(a)(ii). The Court further finds that the sentence on Counts Nine and Seven merge under law. For the charge in Count Ten, Felonious Assault, Defendant shall serve a term of Eight (8) years of incarceration in the Department of Rehabilitations and Corrections. For the charge in Count Twelve, Receiving Stolen Property, Defendant shall serve a term of Eighteen (18) months of incarceration in the Department of Rehabilitations and Corrections.

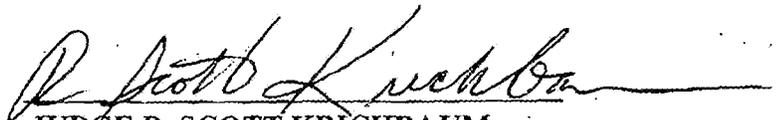
The sentences on these charges are ordered to be served consecutively to one another, being necessary to fulfill the purposes of R.C. 2929.11, and not disproportionate to the seriousness of the offender's conduct or the danger the offender poses. The Court further finds the harm caused was great or unusual and Defendant's criminal history requires consecutive sentences. Therefore, the total sentence of incarceration for the defendant on this case is Eighty-Five and one half (85 ½) years.

Defendant is ordered to pay the costs of prosecution.

Defendant is ordered conveyed to the custody of the Department of Rehabilitations and Corrections forthwith. Pursuant to RC. 2967.19.1, the Defendant shall receive jail credit of 416 days. This credit includes all time of local incarceration served in jail on this charge up to and including today's date.

Defendant has been given notice under RC. 2929.19(B)(3) and of appellate rights under RC. 2953.08 and Criminal Rule 32(B). Defendant was also advised pursuant to RC. 2967.28.

Upon request of defense counsel that appellate counsel be appointed, Attorney Robert Rohrbaugh is hereby appointed to represent the defendant for the appeal of this case if the defendant wishes to appeal.


JUDGE R. SCOTT KRICHBAUM

cc: Jay Macejko, Michael Maillis, Timothy Franken, Mark Lavelle, Mahoning County Justice Center, Robert Rohrbaugh