

**IN THE COURT OF COMMON PLEAS
COUNTY OF SUMMIT**

THE STATE OF OHIO

vs.

SHAWN E. FORD, JR.

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Case No. CR 2013 04 1008 (A)

JOURNAL ENTRY

On June 29, 2015, now comes BRIAN LOPRINZI, the Assistant Prosecuting Attorney on behalf of the State of Ohio, the Defendant, SHAWN E. FORD, JR, being in Court with counsel, DONALD R. HICKS and JON SINN, for sentencing. On October 22, 2014, the jury returned verdicts, in writing, finding said Defendant SHAWN E. FORD, JR.:

1. GUILTY beyond a reasonable doubt of the crime of AGGRAVATED MURDER, as contained in Count 1 of the indictment, (victim Jeffrey E. Schobert) Ohio Revised Code 2903.01(A), a special felony, which offense occurred on April 2, 2013;
 - a. AGGRAVATING CIRCUMSTANCES SPECIFICATION ONE TO COUNT ONE, (Criteria for Imposing Death or Imprisonment for a Capital Offense) Ohio Revised Code 2929.04(A)(5), Guilty beyond a reasonable doubt that the defendant engaged in a course of conduct involving the purposeful killing or attempt to kill two or more persons by him;
 - b. AGGRAVATING CIRCUMSTANCES SPECIFICATION TWO TO COUNT ONE, (Criteria for Imposing Death or Imprisonment for a Capital Offense), Ohio Revised Code 2929.04(A)(7), guilty beyond a reasonable doubt that the defendant committed the offense while he was committing, attempting to commit, or fleeing immediately after committing or attempting to commit aggravated robbery and was the principal offender in the aggravated murder;
 - c. AGGRAVATING CIRCUMSTANCES SPECIFICATION THREE TO COUNT ONE, (Criteria for Imposing Death or Imprisonment for a Capital Offense), Ohio Revised Code 2929.04(A)(7), guilty beyond a reasonable doubt that the defendant committed the offense while he was committing, attempting to commit, or fleeing immediately after committing or attempting to commit aggravated burglary and was the principal offender in the offense.
2. GUILTY beyond a reasonable doubt of the crime of AGGRAVATED MURDER, as contained in Count 2 of the indictment, (victim Jeffrey E. Schobert), Ohio Revised Code 2903.01(B), a special felony, which offense occurred on April 2, 2013;
 - a. AGGRAVATING CIRCUMSTANCES SPECIFICATION ONE TO COUNT TWO, (Criteria for Imposing Death or Imprisonment for a Capital Offense), Ohio Revised Code 2929.04(A)(5), Guilty beyond a reasonable doubt that the defendant engaged in a course of conduct involving the purposeful killing or attempt to kill two or more persons by him;

- b. AGGRAVATING CIRCUMSTANCES SPECIFICATION TWO TO COUNT TWO, (Criteria for Imposing Death or Imprisonment for a Capital Offense), Ohio Revised Code 2929.04(A)(7), guilty beyond a reasonable doubt that the defendant committed the offense while he was committing, attempting to commit, or fleeing immediately after committing or attempting to commit aggravated robbery and was the principal offender in the aggravated murder;
 - c. AGGRAVATING CIRCUMSTANCES SPECIFICATION THREE TO COUNT TWO, (Criteria for Imposing Death or Imprisonment for a Capital Offense), Ohio Revised Code 2929.04(A)(7), guilty beyond a reasonable doubt that the defendant committed the offense while he was committing, attempting to commit, or fleeing immediately after committing or attempting to commit aggravated burglary and was the principal offender in the offense.
3. GUILTY beyond a reasonable doubt of the crime of AGGRAVATED MURDER, as contained in Count 3 of the indictment, (victim Jeffrey E. Schobert) Ohio Revised Code 2903.01(B), a special felony, which offense occurred on April 2, 2013;
- a. AGGRAVATING CIRCUMSTANCES SPECIFICATION ONE TO COUNT THREE, (Criteria for Imposing Death or Imprisonment for a Capital Offense), Ohio Revised Code 2929.04(A)(5), Guilty beyond a reasonable doubt that the defendant engaged in a course of conduct involving the purposeful killing or attempt to kill two or more persons by him;
 - b. AGGRAVATING CIRCUMSTANCES SPECIFICATION TWO TO COUNT THREE, (Criteria for Imposing Death or Imprisonment for a Capital Offense), Ohio Revised Code 2929.04(A)(7), guilty beyond a reasonable doubt that the defendant committed the offense while he was committing, attempting to commit, or fleeing immediately after committing or attempting to commit aggravated robbery and was the principal offender in the aggravated murder;
 - c. AGGRAVATING CIRCUMSTANCES SPECIFICATION THREE TO COUNT THREE, (Criteria for Imposing Death or Imprisonment for a Capital Offense), Ohio Revised Code 2929.04(A)(7), guilty beyond a reasonable doubt that the defendant committed the offense while he was committing, attempting to commit, or fleeing immediately after committing or attempting to commit aggravated burglary and was the principal offender in the offense.
4. GUILTY beyond a reasonable doubt of the crime of AGGRAVATED MURDER, as contained in Count 4 of the indictment, (victim Margaret J. Schobert), Ohio Revised Code 2903.01(A), a special felony, which offense occurred on April 2, 2013;
- a. AGGRAVATING CIRCUMSTANCES SPECIFICATION ONE TO COUNT FOUR, (Criteria for Imposing Death or Imprisonment for a Capital Offense), Ohio Revised Code 2929.04(A)(5), guilty beyond a reasonable doubt that the defendant engaged in a course of conduct involving the purposeful killing or attempt to kill two or more persons by him;
 - b. AGGRAVATING CIRCUMSTANCES SPECIFICATION TWO TO COUNT FOUR, (Criteria for Imposing Death or Imprisonment for a Capital Offense), Ohio Revised Code 2929.04(A)(7), guilty beyond a reasonable doubt that the defendant committed the offense while he was

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committing, attempting to commit, or fleeing immediately after committing or attempting to commit aggravated robbery and committed the aggravated murder with prior calculation and design;

- c. AGGRAVATING CIRCUMSTANCES SPECIFICATION THREE TO COUNT FOUR, (Criteria for Imposing Death or Imprisonment for a Capital Offense), Ohio Revised Code 2929.04(A)(7), guilty beyond a reasonable doubt that the defendant committed the offense while he was committing, attempting to commit or fleeing immediately after committing or attempting to commit aggravated burglary and committed the aggravated murder with prior calculation and design.
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5. GUILTY beyond a reasonable doubt of the crime of AGGRAVATED MURDER, as contained in Count 5 of the indictment, (victim Margaret J. Schobert), Ohio Revised Code 2903.01(B), a special felony, which offense occurred on April 2, 2013;
 - a. AGGRAVATING CIRCUMSTANCES SPECIFICATION ONE TO COUNT FIVE, (Criteria for Imposing Death or Imprisonment for a Capital Offense), Ohio Revised Code 2929.04(A)(5), guilty beyond a reasonable doubt that the defendant engaged in a course of conduct involving the purposeful killing or attempt to kill two or more persons by him;
 - b. AGGRAVATING CIRCUMSTANCES SPECIFICATION TWO TO COUNT FIVE, (Criteria for Imposing Death or Imprisonment for a Capital Offense), Ohio Revised Code 2929.04(A)(7), guilty beyond a reasonable doubt that the defendant committed the offense while he was committing, attempting to commit, or fleeing immediately after committing or attempting to commit aggravated robbery and he was the principal offender in the aggravated murder.
 - c. AGGRAVATING CIRCUMSTANCES SPECIFICATION THREE TO COUNT FIVE, (Criteria for Imposing Death or Imprisonment for a Capital Offense), Ohio Revised Code 2929.04(A)(7), guilty beyond a reasonable doubt that the defendant committed the offense while he was committing, attempting to commit or fleeing immediately after committing or attempting to commit aggravated burglary and that he was the principal offender in the aggravated murder.
 6. GUILTY beyond a reasonable doubt of the crime of AGGRAVATED ROBBERY, as contained in Count 6 of the indictment, (victim Jeffrey E. Schobert) Ohio Revised Code 2911.01(A)(1)/(A)(3), a felony of the first (1st) degree, which offense occurred on April 2, 2013;

7. GUILTY beyond a reasonable doubt of the crime of AGGRAVATED ROBBERY, as contained in Count 7 of the indictment, (victim Margaret J. Schobert), Ohio Revised Code 2911.01(A)(1)/(A)(3), a felony of the first (1st) degree, which offense occurred on April 2, 2013;
8. GUILTY beyond a reasonable doubt of the crime of AGGRAVATED BURGLARY, as contained in Count 8 of the indictment, (victims Jeffrey E. and/or Margaret J. Schobert) Ohio Revised Code 2911.11(A)(1)/(A)(2), a felony of the first (1st) degree, which offense occurred on April 2, 2013;
9. GUILTY beyond a reasonable doubt of the crime of GRAND THEFT, as contained in Count 9 of the indictment, Ohio Revised Code 2013.02(A)(1), a felony of the fourth (4th) degree, which offense occurred on April 2, 2013 and finding beyond a reasonable doubt that the property involved was a motor vehicle;
10. GUILTY beyond a reasonable doubt of the crime of PETTY THEFT, as contained in Count 10 of the indictment, Ohio Revised Code 2913.02(A)(1), a misdemeanor of the first (1st) degree, which offense occurred on April 2, 2013;
11. GUILTY beyond a reasonable doubt FELONIOUS ASSAULT, as contained in Count 11 of the indictment, (victim Chelsea Schobert), Ohio Revised Code 2903.11(A)(1)/(A)(2), a felony of the second (2nd) degree, which offense occurred on March 23, 2013.

The Court accepted the verdicts and found the Defendant guilty of said crimes. Those findings are restated as if fully rewritten herein.

On the record and in open court prior to the commencement of the mitigation phase trial, the court ruled as to the defendant's motion seeking merger of particular counts of the indictment for sentencing and the State's oral motion for merger of certain counts. Those rulings were journalized in the June 4, 2015 Order, in which the court indicated that Counts 1, 3, 5, 7, 8 9 and 10 would be merged for purposes of sentencing and that sentencing would proceed on Count 2, 4 and 11. Those rulings are restated as if fully rewritten herein.

The case proceeded to the mitigation phase trial on October 27, 2014. The jury returned a verdict of life imprisonment without the possibility of parole on Count 2, involving the murder of Jeffrey E. Schobert. The jury returned a verdict recommending a death sentence on Count 4, involving the murder of Margaret J. Schobert.

On June 19 and 22, 2015, the court conducted an *Atkins* hearing as requested by the defense. On June 25, 2015 the Court issued its ruling reaffirming the earlier denial of defendant's oral motion to dismiss the capital specifications and confirmed the sentencing hearing set for June 29, 2015.

The Defendant's sentencing hearing was held pursuant to O.R.C. 2929.19. The Defendant was afforded all rights pursuant to Crim. R. 32. The Court has considered the record, oral statements, as well as the

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principles and purposes of sentencing under O.R.C. 2929.11, and the seriousness and recidivism factors under O.R.C. 2929.12.

The Court further finds the following pursuant to O.R.C. 2929.13(B): not to sentence the Defendant to the maximum period of incarceration would not adequately protect society from future crimes by the Defendant, and would demean the seriousness of the offense; and the Court further finds the Defendant is not amenable to community control and that prison is consistent with the purposes of O.R.C. 2929.11.

In the court's "Sentencing Opinion Re: Count Four, pursuant to ORC 2929.03(F)" separately filed in this case and incorporated herein by reference, the Court has carefully 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.

The court further finds, pursuant to Ohio Revised Code 2929.14(C)(4), that consecutive sentences are necessary to punish the offender; that consecutive sentences are not disproportionate to the seriousness of the offender's conduct; to the danger the offender poses to the public; and the court further finds the following:

- (a) At least two of the multiple offenses were committed as part of one or more courses of conduct, AND the harm caused by two or more of the multiple offenses so committed was so great or unusual that no single prison term for any of the offenses committed as part of any of the courses of conduct adequately reflects the seriousness of the offender's conduct.

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

IT IS THEREFORE ORDERED AND ADJUDGED BY THIS COURT that the Defendant, SHAWN E. FORD, JR., for punishment of the crime of AGGRAVATED MURDER, as to the death of Margaret J. Schobert, as contained in Count 4 of the Indictment, Ohio Revised Code Section 2903.01(B), a special felony, which offense occurred on April 2, 2013, **the sentence is DEATH.**

IT IS FURTHER ORDERED that 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 as Lucasville, Ohio, and that he be there safely kept until the 29th day of December, A.D., 2015, 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 SHAWN E. FORD, JR., 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 said Warden or his duly authorized Deputy, shall administer a lethal injection until the Defendant, SHAWN E. FORD, JR., is **DEAD**.

When imposing a sentence in this case for the non-capital counts, the Defendant was afforded all rights pursuant to Crim. R. 32. The Court has considered the record, oral statements of counsel, the Defendant's statement, as well as the principles and purposes of sentencing under O.R.C. 2929.11, and the seriousness and recidivism factors under O.R.C. 2929.12 with regard to the non-capital offenses.

Thereafter, the Court proceeded with sentencing as to the remaining counts as follows:

- 1) AGGRAVATED MURDER, as to the death of JEFFREY E. SCHOBERT, as contained in Count 2 of the Indictment, Ohio Revised Code Section 2903.01(B), a special felony, which offense occurred on April 2, 2013; for LIFE IMPRISONMENT **with NO parole eligibility**, which is a mandatory term pursuant to O.R.C. 2929.13(F), 2929.14(D)(3), or 2925.01.
- 2) FELONIOUS ASSAULT, as contained in Count 11 of the indictment, Ohio Revised Code 2903.11(A)(1)/(A)(2), a felony of the second (2nd) degree which offense occurred on March 23, 2013, for the maximum allowable term of Eight (8) years, which is not a mandatory term pursuant to O.R.C. 2929.13(F), 2929.14(D)(3), or 2925.01.

IT IS FURTHER ORDERED that the sentences imposed in Counts 2, 4 and 11 be served CONSECUTIVELY to and not concurrently with each other and that the sentence imposed in this case be served CONSECUTIVELY to and not concurrently with the sentence imposed in case No. CR 2012 12 3584.

As part of the sentence on Count 11 in this case, the Defendant *shall* be supervised on post-release control by the Adult Parole Authority for a *mandatory* period of **3 years** if ever released from prison. If the Defendant 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

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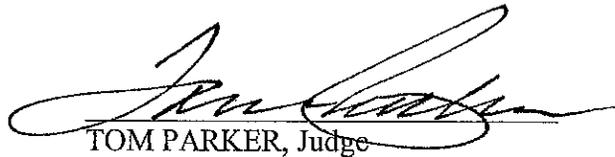
residential sanction that may include a prison term of up to nine months, and the maximum cumulative prison term for all violations shall not exceed one-half of the stated prison term. If the Defendant pleads guilty to, or is convicted of, a new felony offense while on post-release control, the sentencing 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.

The court waives the imposition of any fine and any additional court costs due to defendant's indigence, an appropriate Financial Disclosure/Affidavit of Indigence having been filed in this matter.

The Court informed the Defendant of his right to appeal pursuant to Rule 32A2, Criminal Rules of Procedure, Ohio Supreme Court. The Court appoints Kathleen McGarry and Lynn Ann Maro, Sup. R. 20 certified defense counsel, for purposes of appeal.

Further, the Official Shorthand Reporter shall produce a copy of all proceedings before this Court in the above-captioned case for purposes of appeal. A valid Affidavit of Indigence has been filed with the Clerk of Courts. The cost of the record, transcripts and appellate counsel herein shall be charged to the State of Ohio.

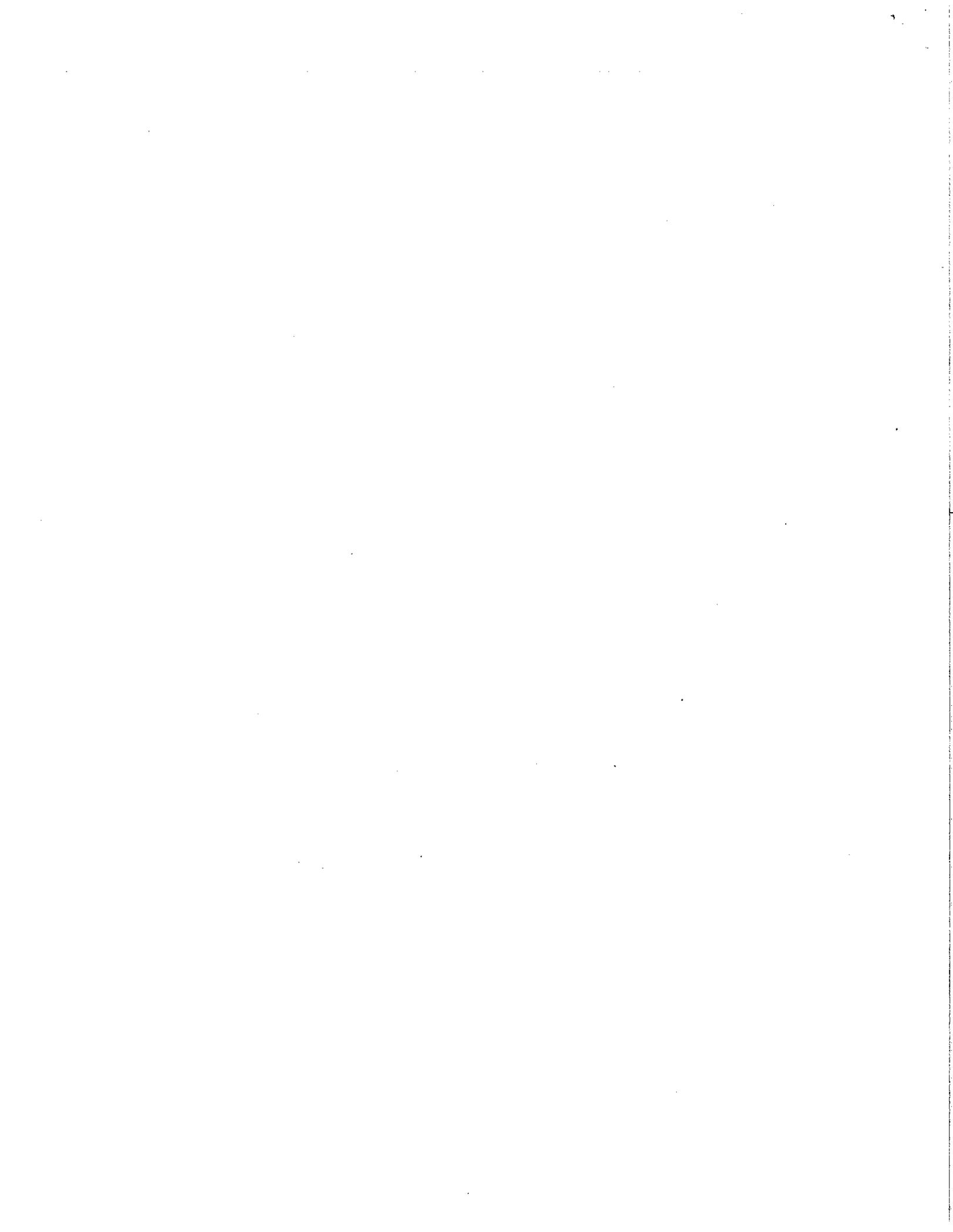
The Court finds that the Defendant is entitled to 816 days of jail time credit toward the sentence imposed herein. The Court is not responsible for calculating time served in the Summit County Jail after the date of sentencing. Any post-sentence time must be calculated by the Ohio Department of Rehabilitation and Corrections.



TOM PARKER, Judge
Court of Common Pleas
Summit County, Ohio

/mjl
cc:

Asst. Prosecutor Brad Gessner/Brian Loprinzi
Attorney Donald R. Hicks
Attorney Jon Sinn
Court Operations/Criminal Division
Registrar's Office
Warrants/Court Convey
Kristie Gowens, Official Court Reporter
Court Executive Office
Bureau of Sentence Computation & Record Management



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SUMMIT COUNTY
CLERK OF COURTS

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SENTENCING OPINION

Re: Count Four

(Pursuant to R.C. 2929.03(F))

I. INTRODUCTION

On October 22, 2014 a jury returned verdicts of guilty on 11 counts of an 11count indictment filed against the defendant Shawn E. Ford, Jr.¹ Guilty verdicts were returned on five counts of aggravated murder, two counts of aggravated robbery, one count of aggravated burglary, one count of grand theft, one count of petty theft, and one count of felonious assault. All but the felonious assault charge arose from the events of April 2, 2013 when Jeffrey E. Schobert and Margaret J. Schobert were murdered in their home by the defendant.

Three specifications of aggravating circumstances asserted under Ohio Rev. Code sections 2929.04(A)(5) and 2929.04(A)(7) were attached to each of the five aggravated murder counts. Specification One to each of the five aggravated murder counts alleged that Defendant Ford engaged in a course of conduct involving the purposeful killing or attempt to kill two or more persons. Specification Two to each of the five murder counts alleged in the alternative that the aggravated murder was committed while Defendant Ford was committing, attempting to commit or fleeing immediately after committing or attempting to commit Aggravated Robbery and that Ford was the principal offender in the commission of the aggravated murder or, if not

¹ Two additional counts asserted charges against two co-defendants. A minor, J.V., was named in the same eleven counts as Defendant Ford as a co-defendant.

the principal offender, he committed the aggravated murder with prior calculation and design. Specification Three to each of the five murder counts alleged in the alternative that the aggravated murder was committed while Defendant Ford was committing, attempting to commit or fleeing immediately after committing or attempting to commit Aggravated Burglary and that Ford was the principal offender in the commission of the aggravated murder or, if not the principal offender, he committed the aggravated murder with prior calculation and design.

The murder charges and specifications in Counts One and Two related to the killing of Jeffrey E. Schobert on or about April 2, 2013. The murder charges and specifications in Counts Four and Five related to the killing of Margaret J. Schobert on or about the same date. And the murder charge and specifications in Count Three related to the killings of either Jeffrey E. Schobert or Margaret J. Schobert or both of them.

Defendant Ford was found guilty of the Specification One multiple killing specifications attached to each of the five aggravated murder counts.

Defendant Ford was found guilty of Specifications Two and Three to Counts One and Two with a determination that he was the principal offender in the commission of the aggravated murder of Jeffrey E. Schobert while committing, fleeing immediately after committing or attempting to commit aggravated robbery.

Defendant Ford was likewise found guilty of Specifications Two and Three to Count Three with the determination that he was the principal offender in the commission of the aggravated murder of Jeffrey E. Schobert and/or Margaret J. Schobert while committing, fleeing immediately after committing or attempting to commit aggravated burglary.

Defendant Ford was found guilty of Specifications Two and Three to Counts Four and Five, with the determination that he committed the aggravated murder of Margaret J. Schobert with

prior calculation and design while committing, fleeing immediately after committing or attempting to commit aggravated robbery.

Defendant filed a motion to merge certain of the offenses for sentencing prior to the mitigation trial. The court orally ruled on the motion at trial and later memorialized the rulings in a journal entry filed on June 4, 2015. The court concluded that the three murder charges pertaining to Jeffrey Schobert should be merged and the charges pertaining to the murder of Margaret Schobert should be merged separately. The state elected to have the defendant sentenced on Count Two, pertaining to Jeffrey E. Schobert and Count Four pertaining to Margaret J. Schobert. As a result, Count One and Three were merged with Count Two; and Counts Five and Three were merged with Count Four.

The court also merged the aggravated robbery charge in Count Six with the murder charge in Count Two; and the aggravated robbery charge in Count Seven was merged with the murder charge in Count Four. The aggravated burglary charge in Count Eight was merged with both Counts Two and Four. The grand theft charge in Count Nine and the petty theft charge in Count Ten were also merged with both Count Two and Count Four. The felonious assault charge in Count Eleven, pertaining to the assault on Chelsea Schobert, was not merged.

The mitigation phase trial commenced on October 27, 2014. The jury returned a verdict of life imprisonment without the possibility of parole on Count Two, involving the murder of Jeffrey E. Schobert. The jury returned a verdict recommending a death sentence on Count Four, pertaining to the murder of Margaret J. Schobert.

Section 2929.03 of the Ohio Revised Code specifies the law to be followed in imposing a sentence for aggravated murder. When, as was done on Count Four here, a jury finds, by proof beyond a reasonable doubt, that the aggravating circumstances the offender was found guilty of committing outweigh the mitigating factors and mitigating evidence, the jury is required to

recommend to the court that the sentence of death be imposed on the offender. R.C. 2929.03(D)(2).

Upon receiving a jury's recommendation that the sentence of death be imposed, the court is required to determine independently whether the state has proven, by proof beyond a reasonable doubt, that the aggravating circumstances the offender was found guilty of committing outweigh the mitigating factors and mitigating evidence. If the court finds they do, the court is required to accept the jury's recommendation and impose a sentence of death. If the court determines that the state has not proven, by proof beyond a reasonable doubt, that the aggravating circumstances of which the offender was found guilty of committing outweigh the mitigating factors evidence, the court is required to impose a sentence of one of three life sentence options: life imprisonment without the possibility of parole; life imprisonment with parole eligibility after serving twenty-five full years of imprisonment; or life imprisonment with parole eligibility after serving thirty full years of imprisonment. R.C. 2929.03(D)(3).

This Sentencing Opinion addresses only the sentence to be imposed with respect to Count Four; the sentences to be imposed with respect to Count Two and Count Eleven will be set forth in a separate judgment entry.

II. ANALYSIS

A. Summary of Information Considered and Not Considered

The information set forth below reflects the independent deliberations conducted by the court. Those deliberations have included a consideration of the relevant evidence pertaining to the aggravating circumstances and mitigating factors produced during the mitigation hearing and during the first phase of the trial, to the extent relevant to the current issue. The evidence that has been considered has included both testimonial and documentary evidence. Defendant Ford chose to allocute. The court gave full consideration to defendant's statement in allocution, and

the court did not make its decision on the sentence to be imposed until Defendant Ford made his statement.

Defendant Ford wrote two letters to the court after the trial. Those letters have been marked as court's exhibit C-7 and C-8, but they have not been considered in determining the sentence for Count Four. Likewise, the court has not considered the presentence investigation conducted in this matter after the trial; the reasons for not doing so have been separately addressed on the record. The court has not considered the felonious assault on Chelsea Schobert. The court received no victim impact evidence before announcing its sentence on Count Four; victim impact evidence received later in the June 29, 2015 sentencing hearing has not been considered in determining the sentence to be imposed on Count Four. The court is not permitted to consider and has not considered the aggravated murder of Margaret J. Schobert itself or any offenses merged into that offense. The court has likewise not considered the aggravated murder of Jeffrey E. Schobert, except to the extent necessary to consider Specification One to Count Four. The court has not considered Defendant Ford's criminal record, or any aggravating circumstances of which the defendant was found guilty that have been merged.

The court has considered the mitigating factors relied upon by the defense under R.C. 2929.04(B)(3), (4) and (7) and all other evidence in mitigation against a sentence of death in the trial record, including the "history, character and background" of Defendant Ford, as required by R.C. 2929.04(B). The court did not consider any mitigating factors under R.C. 2929.04 not raised by the defense (e.g., R.C. 2929.04(B)(1), (2), (5), or (6)) and has given no weight to the fact that the defense presented no evidence relating to those statutory factors.

Pursuant to R.C. 2929.03 and 2929.04, the court renders the following opinion.

B. Aggravating Circumstances

In Count Four, Defendant Shawn E. Ford, Jr., was found guilty beyond a reasonable doubt of the aggravated murder of Margaret J. Schobert with prior calculation and design. Defendant Ford was also found guilty beyond a reasonable doubt of the following specifications attached to Count Four:

Specification One – Defendant Shawn E. Ford, Jr., committed Aggravated Murder as a part of a course of conduct involving the purposeful killing or attempt to kill two or more persons.

Defendant was acquainted with Margaret J. Schobert and her husband Jeffrey E. Schobert because of his relationship with their daughter Chelsea Schobert. Chelsea Schobert was in an Akron area hospital on April 1, 2013. Margaret J. Schobert remained at the hospital overnight with her daughter. During the early morning hours of April 2, 2013 Defendant Ford and a minor accomplice, J.V., entered the Schobert residence on Rex Lake Drive in New Franklin, Summit County, Ohio by stealth. Defendant Ford and the accomplice murdered Jeffrey E. Schobert using a sledgehammer while he was in his bed. Thereafter, defendant Ford utilized the cell phone of Jeffrey Schobert to communicate with Margaret Schobert, urging her to return home, pretending to be Jeffrey Schobert. Certain of the text messages caused Margaret Schobert to doubt that Jeffrey Schobert was the person sending the messages. In one responsive message, she inquired whether the sender was actually Defendant Ford. Evidence indicated that several hours elapsed between the murder of Jeffrey Schobert and Margaret Schobert's return home. Defendant and his accomplice waited in the home in order to commit the murder of Ms. Schobert. Margaret J. Schobert was murdered with a sledgehammer.

DNA evidence connected Defendant Ford to the scene of the murders. In addition, Defendant Ford made statements to the police admitting his role in the murders. Other physical evidence, including some that had DNA of the victims and/or Defendant, was found in places

where Defendant Ford had indicated to an inmate in the Portage County jail that they could be found. One witness testified that Defendant Ford had said he was going to go to the Schobert home to kill them.

Specification Two – Defendant Shawn E. Ford, Jr., committed Aggravated Murder while committing, attempting to commit or fleeing immediately after committing or attempting to commit Aggravated Robbery; and defendant committed the Aggravated Murder with prior calculation and design.

Margaret J. Schobert was induced to return to her home, ostensibly by her husband, Jeffrey Schobert, through cell phone text messages sent by Defendant Ford using Mr. Schobert's cell phone. Certain of the text messages caused Margaret Schobert to doubt that Jeffrey Schobert was the person sending the messages. In one responsive message, she inquired whether the sender was actually Defendant Ford. Evidence indicated that several hours elapsed between the murder of Jeffrey Schobert and Margaret Schobert's return home. Defendant and his accomplice waited in the home in order to commit the murder of Ms. Schobert. Margaret J. Schobert was murdered with a sledgehammer.

DNA evidence connected Defendant Ford to the scene of the murders. In addition, Defendant Ford made statements to the police admitting his role in the murders, including his wait for Margaret Schobert to return home. Other physical evidence, including some that had DNA of the victims and/or Defendant, was found in places where Defendant Ford had told a Portage County jail inmate they could be found. One witness testified that Defendant Ford had said he was going to go to the Schobert home to kill them.

Personal property, including a watch belonging to Mr. and/or Ms. Schobert was found at the location where Defendant Ford's accomplice was arrested; and a vehicle belonging to Mr. Schobert was found in the same neighborhood. Other property, including a ring belonging to Margaret Schobert, was found in a trash dumpster on South Street in Akron, around the corner from houses where Defendant Ford had been residing.

Specification Three – Defendant Shawn E. Ford, Jr., committed aggravated murder while committing, attempting to commit or fleeing immediately after committing or attempting to commit Aggravated Burglary; and defendant committed the Aggravated Murder with prior calculation and design.

Evidence admitted at trial indicated defendant and his accomplice entered the Schobert residence by stealth in the early morning hours of April 2, 2013 by means of a bedroom window on the ground floor at the back of the house that was not visible from the street.

Margaret J. Schobert was induced to return to her home, ostensibly by her husband, Jeffrey Schobert, through cell phone text messages sent by Defendant Ford using Mr. Schobert's cell phone. Certain of the text messages caused Margaret Schobert to doubt that Jeffrey Schobert was the person sending the messages. In one responsive message, she inquired whether the sender was actually Defendant Ford. Evidence indicated that several hours elapsed between the murder of Jeffrey Schobert and Margaret Schobert's return home. Defendant and his accomplice waited in the home in order to commit the murder of Ms. Schobert. Margaret J. Schobert was murdered with a sledgehammer.

DNA evidence connected Defendant Ford to the scene of the murders. In addition, Defendant Ford made statements to the police admitting his role in the murders, including his wait for Margaret Schobert to return home. Other physical evidence, including some that had DNA of the victims and/or Defendant, was found in places where Defendant Ford had told a Portage County jail inmate they could be found. Again, one witness testified that Defendant Ford had said he was going to go to the Schobert home to kill them.

C. Mitigating Factors

The court must determine whether the foregoing aggravating circumstances outweigh evidence that mitigates against the imposition of the sentence of death beyond a reasonable doubt. Revised Code 2929.04(B) sets forth a nonexclusive list of mitigating factors and other information that the court must consider. Although the court lists below each of the statutory

mitigating factors, certain of them are inapplicable and were not relied upon by the defendant. The listing of the factors not relied upon does not imply that the court has given any consideration to the absence of evidence to support them; they are simply listed to demonstrate the completeness of the court's analysis.

1. The Nature and Circumstances of the Offense

A review of the nature and circumstances of the offense involved in Count Four – the murder of Margaret J. Schobert – leads the court to find that no mitigating factors can be found therein. The court has not considered the absence of mitigating factors in the nature and circumstances of the offense in its weighing process.

2. The History, Character and Background of Shawn E. Ford, Jr.

Ohio Revised Code section 2929.04(B) requires the court to consider and weigh the “history, character and background” of the offender against the aggravating circumstances that have been proven.

According to testimony at trial, defendant was born to Kelly Ford and Shawn Eric Ford, Sr., a married couple, on September 30, 1994 in Minneapolis, MN. He has an older sister, Patricia Roberts, who is about two years older than he. His parents moved the family to Akron not long after he was born. He had a younger sister, Shantaya Ford, born on October 3, 1997, who died from crib death in December 1997. Defendant Ford appears to always have had a loving, close relationship with his sister Patricia. He also has enjoyed a close and loving relationship with his paternal grandparents, though he rarely saw them after he was about 6 or 7 years old. Defendant Ford's mother, Kelly, testified that she loved her son. She testified that she has always worked and sacrificed to provide for her children. She asked the jury to spare her son's life.

Several witnesses testified that defendant Ford felt unloved. Whether relating to his biological father, his stepfather, his mother or other family members, the consistent testimony was that he felt other children received preferential treatment and more affection.

The testimony of several witnesses established that the relationship between Kelly Ford and Shawn Ford, Sr. was tumultuous. Defendant observed his parents in many verbal and physical fights. On one occasion, when he was about 3 years old, he climbed on his father's back while the father was fighting the mother, urging his father to, "[L]eave my mommy alone." On one occasion when Defendant Ford was present in the home, Kelly Ford "accidentally" stabbed Shawn Ford, Sr. with a knife.

Sometime when Defendant Ford was between the ages of three and four, he and his sister were sent to Chicago to live with their paternal grandparents, Eddie Ford and Janice Ford. This was arranged by Kelly Ford because she knew her marriage with Shawn Ford, Sr. was likely to end and she needed help raising her kids. The move to Chicago was not presented to the children as a permanent move; according to Patricia Roberts, she and her brother both knew they would be back with their mother someday. As a result, she testified that neither she nor her brother felt abandoned. During the time in Chicago, Kelly Ford would occasionally speak to her children by phone.

Eddie Ford and Janice Ford both testified that Defendant Ford fit in well when he lived with them. He was in Chicago about two and a half years. They both testified about how much they loved their grandson. Janice Ford testified that Shawn Ford came to Chicago before his sister. When she picked him up, he lacked many of the basic things one would have expected a toddler to have. She testified that Kelly Ford visited him in Chicago one or two times while he was there. She indicated Kelly Ford provided "very little" parenting during the two and a half years her children lived with their grandparents. Defendant Ford and his grandmother had a very

close and loving relationship. Both of his grandparents taught him right from wrong and showed him what a hard working household looked like.

When Kelly Ford was ready, she arranged for her children to be returned from Chicago. She had worked two jobs until then and then let one of them go so that she would be available to the children. By that time Kelly Ford was in a relationship with Tracy Wooden. Wooden had two sons who were a couple of years younger than Defendant Ford. Tracy Wooden said Ford hardly spoke at all or to him in particular for six or seven months after he returned from Chicago. But Wooden testified that the family had new things in the house when Defendant Ford was young; and he stated that Ford was properly bathed and clothed. Tracy Wooden testified that he treated Defendant Ford like a son and Ford treated him like a father. Wooden stated Ford was treated just like he would treat his own sons. Patricia Roberts testified that her brother actually loved Wooden. When Defendant Ford was 12 or 13 years old, Tracy Wooden was sent to prison after being convicted of a drug offense. Although Wooden was a drug dealer in the neighborhood, Kelly Ford stated that Wooden never sold drugs from within their home. Several witnesses testified that Defendant Ford's behavior became wild when Tracy Wooden went to prison.

There was conflicting testimony about physical altercations between Defendant Ford and Tracy Wooden. Patricia Roberts remembered that her brother and Wooden had a lot of disagreements and used to have fights. Kelly Ford testified that her son was never severely beaten during his upbringing. On March 21, 2013, however, Defendant Ford and Wooden got into a fight in which each attempted to attack the other with a weapon (a shovel and a baseball bat). Wooden also bit Defendant Ford in that altercation. The police were called and Defendant Ford was treated and released at a hospital emergency room. The March 2013 incident apparently arose because Wooden was upset that Ford was unwilling to work in order to be able

to reimburse him for bond money he had posted to get Defendant Ford out of jail while dealing with an unrelated criminal case in which Defendant Ford had been charged.

Defendant Ford's family struggled financially during his developmental years. At one point, he was unable to participate in a basketball program at Joy Park in Akron because his mother and stepfather did not give him the \$55 needed for a registration fee. Several witnesses testified that the basic needs of the family were met but that there was little extra money to provide for more. At times, the family was homeless.

After living in Chicago, Defendant Ford hardly ever saw his father, Shawn Eric Ford, Sr. According to witnesses, they may have seen each other fewer than ten times in his developmental years. Kelly Ford stated that her son would ask to see his father. And she indicated there were times when Shawn Ford, Sr. would promise to pick up the kids and then fail to appear. Her perception was that her son felt abandoned by his father. Shawn Ford, Sr. acknowledged that he didn't see his children very much. But he stated that they didn't see him by their own choice. He indicated he would have been available if they had reached out to him. Ford, Sr. testified that he didn't even see his son after the return from Chicago until he was 11 or 12 years old. He stated if his son had ever asked him for money he would have given it to him. He recalled buying a few things for his son. Shawn Ford, Sr. testified that his son was too young to be affected by the crib death of his younger sister. Family members testified that Defendant Ford felt abandoned by his biological father.

Defendant Ford struggled in school. From the time he was 5 years old onward, he was diagnosed with a specific learning disability related to his speech. People found it hard to understand him, and he was placed in special education classes for a portion of his school days. Special services were provided for a number of years until they were no longer producing results. Throughout Defendant Ford's school career, he went to school on an IEP. IQ testing conducted

during defendant Ford's school years demonstrated that he was classified as being of borderline intelligence. The court has extensively addressed the IQ testing in its order overruling defendant's motion to dismiss the capital specifications on the ground that defendant is intellectually disabled. For purposes of the current analysis, the court notes that Mr. Ford has never been diagnosed as being intellectually disabled, though he quite apparently struggled in school and had an IQ that was in the low average to borderline range.

Defendant Ford also was bullied in school. Consistent testimony indicated that he had a high-pitched voice growing up, and was frequently teased and/or bullied as a result. According to the witnesses, he responded to that by fighting.

Defendant Ford began getting in trouble in his early teens. His mother found it difficult to deal with because he was rambunctious. As a result of various juvenile offenses, Defendant Ford was eventually committed to the Community Correctional Facility in Stark County, and, ultimately, to the Ohio Department of Youth Services in Columbus, Ohio. Partly as a result of an inability to drive, and partly as a result of Defendant Ford's own instructions that she should not visit, Kelly Ford never visited with him in Columbus, and only saw him on three occasions while he was in Canton. It was determined that defendant Ford abused marijuana and alcohol during his teen years.

In regard to the history, background and character of Defendant Ford, the court acknowledges that he had a difficult upbringing. He was essentially abandoned by his father after his mother moved him to Chicago when he was 3 or 4 years old. And although he may have felt abandonment from the Chicago move, family members testified that he fit in well and did well while there. He was exposed to violence in his household when a toddler and he was the subject of violence in his teen years. His stepfather dealt drugs and, apparently, got into physical altercations with the defendant. The family frequently faced financial hardship.

Because of intellectual limitations, a speech problem and a learning disability, Defendant Ford faced difficulties in school. He was teased or bullied because of a high-pitched voice.

Countering these negative issues were positive factors. Defendant Ford had loving relations with his sister and his grandparents. He had a stepfather who was in his life, albeit imperfectly. His basic needs were provided for. His mother, father and stepfather testified that they loved him. Moreover, many people grow up in circumstances similar to Defendant Ford's and do not resort to criminal conduct. Indeed, his own sister and two step brothers, who grew up in almost the exact same environment are examples of how people from challenging backgrounds can live law abiding lives. Balancing the negative and positive aspects of the defendant's upbringing, the court gives slight mitigating weight to the defendant's history, background and character.

The court now proceeds to evaluate the evidence concerning the statutory mitigating factors set forth in R.C. 2929.04(B)(1)-(7).

3. **2929.04(B)(1) – Whether the victim induced the offense.** This factor is inapplicable, and the absence of evidence on this issue has not been considered by the court.

4. **2929.04(B)(2) – Duress or provocation of the defendant.** This factor also is inapplicable, and the absence of evidence on this issue has not been considered by the court.

5. **2929.03(B)(3) – Whether, at the time of committing the offense, the offender, because of a 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.** Dr. Joy Stankowski testified on behalf of the defendant, offering the opinion that he suffered from antisocial personality disorder. Nothing in Dr. Stankowski's testimony supports the conclusion that defendant Ford suffered from a mental disease or defect.

Moreover, the rebuttal testimony of Dr. Arcangela Wood confirmed her earlier conclusion that Mr. Ford did not have such conditions. Defendant Ford's mother, stepfather and grandparents all indicated he was taught right from wrong. Thus, there is no evidence of record to support giving any weight to this mitigating factor.

6. **2929.04(B)(4) – Youth of the offender.** The murders of Jeffrey E. Schobert and Margaret J. Schobert occurred when Defendant Ford was 18½ years of age. He is now 20 years old. Dr. Stankowski testified that a person who has only recently turned 18 has not necessarily reached full intellectual and emotional maturity. In addition, Dr. Stankowski testified that Defendant Ford never had time or chance to move away from the effects of his difficult childhood and to become his own person and live his own life. She considered youth to be a very important consideration in the case. The court gives weight to this mitigating factor.

7. ~~**2929.04(B)(5) - The offender's lack of significant prior criminal or delinquency history.**~~ This factor is inapplicable, and the absence of evidence on this issue has not been considered by the court.

8. **2929.04(B)(6) – The defendant was not the principal offender.** The defense presented no argument or mitigating evidence on this factor and did not request the jury to be instructed thereon. The evidence at trial, as noted above, included a summary of statements attributed to the defendant that he murdered Margaret Schobert with a sledgehammer. Although the jury chose to find on Specifications Two and Three to Count Four that defendant acted with prior calculation and design, implying that he was not the principal offender, it also found the defendant guilty on Specification One to that count, finding that he was a part of a course of conduct involving the purposeful killing of two or more persons *by the offender*. The court finds this factor to be inapplicable, and the absence of evidence on this issue has not been considered by the court.

9. **2929.04(B)(7) - Any other relevant factors.** In addition to the history background and character of the defendant, which have been set forth in detail above and will not be repeated here, Defendant Ford also offered other relevant factors. Specifically, Dr. Joy Stankowski, defendant's mitigation expert, identified several factors that she opined were mitigating.

a. **Antisocial personality disorder.** Dr. Stankowski diagnosed Defendant Ford with this disorder. She testified that a characteristic of the disorder is an inability to conform to societal norms for acceptable behavior. She opined it to be mitigating because a disorder is something shaped partly by a person's brain (which is beyond his control) and also by things that happened during development – such as parental abandonment (also beyond a person's control). She testified that this disorder suggests Defendant Ford was born with impaired ability to control his impulses. That impulsivity could have been exacerbated by Defendant Ford's early drug or alcohol use, which could have further delayed his development. These factors, when coupled with the expected impulsivity of a teenager, would serve to make Defendant Ford less able to control his impulses or behavior compared to someone who does not have the disorder. Dr. Stankowski testified that separation from parents and grandparents could also have contributed to the development of the disorder. She also testified that defendant Ford's lower IQ tended to make it more difficult for him to think things through, to react more impulsively, and to make worse decisions. Having considered the evidence, the court gives some weight to this factor.

b. **Alcohol use disorder.** Dr. Stankowski testified defendant Ford's history of alcohol abuse support the conclusion that he has alcohol use disorder. She indicated this would contribute to reckless or dangerous behavior. She also opined that this disorder would have a negative effect on a developing brain. Apart from the impact of alcohol use on Defendant

Ford's antisocial personality disorder, the court finds this factor to carry no weight. There was no evidence that Defendant Ford was under the influence of alcohol at the time of the murder of Margaret Schobert.

c. **Low IQ.** Dr. Stankowski testified Defendant Ford's low IQ would have caused difficulty in his ability to think things through and make reasoned decisions. The court has previously addressed some of the implications of defendant's low IQ; the court gives some weight to this factor.

d. **Family History and Environment.** Dr. Stankowski testified that Defendant Ford was shaped by having been: (i) abandoned, neglected and separated from his parents and caretakers; (ii) bullied at school because of a speech issue; (iii) beaten by his stepfather; (iv) the victim of poverty; and (v) having suffered the death of an infant sibling. She testified that all these things shaped who Defendant Ford is today and it should be considered mitigating. The court has already dealt with these factors above and has accorded them slight weight.

Defendant Ford raised various other issues purportedly in mitigation at trial. Except to the extent noted above, the court finds none of these other factors applicable or worthy of weight. The court has specifically not considered in this weighing process the defendant's criminal and juvenile record. Approximately three and one-half months before the Schobert murders, defendant pled guilty to having robbed a barber shop. In addition, on March 23, 2013, defendant committed felonious assault against Chelsea Schobert, his then girlfriend. The court has not considered these convictions or the facts relative thereto in any fashion, because it is not permitted to do so. The court mentions these incidents only because they are found as a part of the court record. But the court wishes to restate that these were not considered.

The court has also considered the statements of defense counsel at the sentencing hearing. In addition, the court has considered the statements of Defendant Ford at the hearing. The court has neither received nor considered any victim impact evidence in arriving at this decision. The court has not considered the aggravated murder of Margaret J. Schobert itself as an aggravating circumstance.

D. Weighing of Aggravating Circumstances against Mitigating Factors

Revised Code section 2929.03(F) requires the court to conduct a weighing of the evidence and to state the reasons why the aggravating circumstances the offender was found guilty of committing were sufficient to outweigh the mitigating factors, if it reaches that conclusion. In the alternative, if the court finds that the aggravating circumstances do not outweigh the mitigating factors, it must state the reasons for reaching that conclusion. The court's analysis resulting from that weighing process is set forth below.

Defendant Ford purposely caused the death of Margaret J Schobert as a part of a course of conduct involving the purposeful killing of two or more persons by the defendant. In this case, Shawn Eric Ford, Jr., was the actual killer and, without provocation, purposely murdered Margaret J. Schobert and her husband Jeffrey E. Schobert. He did so after having confided in another person that he was going to go to the Schobert residence in order to kill them. Both people were killed when the defendant inflicted multiple sledgehammer blows to their heads. The defendant killed Margaret Schobert after inducing her to return home by pretending to be her husband. Several hours passed between the two deaths. The court must weigh the seriousness of a double homicide in which the second killing was committed with prior calculation and design.

The defendant also committed the Aggravated Murder of Margaret J. Schobert while committing or attempting to commit Aggravated Robbery and Aggravated Burglary. And he

committed the Aggravated Murder with prior calculation and design. The seriousness of these two additional aggravating circumstances must be weighed by the court.

Against these three specific aggravating circumstances, the court must weigh the mitigating factors and evidence. Mitigating factors are factors about Defendant Ford that weigh in favor of a decision that a life sentence rather than a death sentence is appropriate. Mitigating factors are factors that can be thought to potentially lessen the moral culpability of the defendant or diminish the appropriateness of a death sentence. The relevant mitigating factors to be considered by the court have been described in detail above.

The strongest mitigating factor presented by the defense is the age of Defendant Ford. At the time of the murders, he was 18½ years old, six months past the age when he would have been ineligible for a death sentence. The state legislature has established the youth of the defendant as a mitigating factor in recognition of the reality that young people are not as wise and do not have as much life experience as people who have lived longer. As a result, they may be less able to consider the long term consequences of their conduct. And they may not be very good at understanding how their conduct will affect others by putting themselves in the shoes of people they may hurt. Defendant has presented evidence from his mitigation expert indicating that his mitigating factor of youth was compounded by a psychological disorder that made him prone to impulsive, ill considered behavior. And she has offered the opinion that his difficult upbringing also likely made his disorder worse. She asserted that all these factors mitigate against a death sentence.

An example of impulsive, ill considered behavior would be to plan a burglary of a home (what witnesses said Defendant Ford referred to as a “lick”) without taking time to find out if someone would be home; and then, when a homeowner was unexpectedly encountered, to murder that person before making a hurried exit. And that situation could be compounded when

two people were present in the home and both were impulsively killed. But even that example describes behavior that could be committed by someone far older than 18. This example differs from the case at hand because of the steps taken to induce the second person to come home in order to commit a second murder.

The court has searched the evidence to see if there is any support for the argument that Defendant Ford's conduct and thinking were the product of his youth or his psychological disorder, a conclusion that would mitigate against a sentence of death. The defense has argued that the very thought you could go into your girlfriend's parents house and kill them and get away with it is evidence of immature thinking. But modern history is replete with examples of people far older than 18 who have done similar things. Rather than finding evidence of youthful, impulsive thinking by the defendant, the court finds that he demonstrated a carefully thought out, calculated plan to kill Margaret and Jeffrey Schobert. The jury found that the aggravating circumstances relating to the murder of Jeffrey Schobert did not outweigh the mitigating factors. But the added evidence relating to Defendant Ford's inducement of Margaret Schobert to return home by pretending to be her husband, and the evidence that he waited several hours to be able to commit the second murder has caused this court to come to the same conclusion the jury did and find that the aggravating circumstances relating to the murder of Margaret J. Schobert outweigh the mitigating factors by proof beyond a reasonable doubt. On the morning of April 2, 2013, Defendant Ford did not think or act in a youthful manner. While the youth and immaturity of the defendant do mitigate -- to a degree -- against the imposition of a death sentence, the court finds that the factor of youth even when compounded by a psychological disorder is substantially outweighed by the aggravating circumstances proven in connection with Count Four.

The court has considered all of the evidence presented during both the trial and mitigation phases as it related to the three specific aggravating circumstances involving the aggravated

murder of Margaret J Schobert. The court has also considered all of the mitigating evidence and mitigating factors presented at both phases of the trial. The court has weighed these aggravating circumstances against all of the mitigating factors and mitigating evidence. The court has weighed the mitigating factors both individually and collectively. In weighing the aggravating circumstances against the mitigating factors, the court finds that the state of Ohio has proven, by proof beyond a reasonable doubt, that the specific aggravating circumstances that Defendant Ford was found guilty of committing outweigh the mitigating factors in regard to the aggravated murder of Margaret J. Schobert as alleged in Count Four of the indictment.

III. CONCLUSION

Given the court's conclusion that the aggravating circumstances Defendant Shawn Eric Ford, Jr. was found guilty of committing outweigh the mitigating factors and evidence, the court accepts the recommendation of the jury. The court hereby orders that the defendant, Shawn Eric Ford, Jr. be sentenced to death for the aggravated murder of Margaret J. Schobert as set forth in Count Four of the indictment. The court orders that the execution date of Shawn Eric Ford, Jr., shall be set for the 29th day of December, 2015 to be carried out by the State of Ohio. The execution date is subject to modification or further order by a court of competent jurisdiction. Shawn Eric Ford, Jr. shall be transferred into the custody of the Ohio Department of Rehabilitation and Correction and shall be housed in conformity with the sentence indicated in this order.

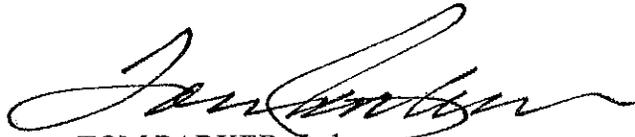
The court further orders that the Summit County Clerk of Courts shall forthwith deliver a copy of the entire case file to the Ohio Supreme Court pursuant to law. The court appoints as appellate counsel Kathleen McGarry and Lynn Ann Maro, each of whom is certified by the Ohio Supreme Court to handle capital-case appeals. The court further shall file a copy of this sentencing opinion with the Clerk of the Supreme Court of Ohio, as required by R.C. 2929.03(F)

along with the case disposition form required by the Supreme Court rule. Given the indigent status of the defendant, the court hereby waives the imposition of court costs.

IT IS SO ORDERED.

APPROVED:

June 29, 2015



TOM PARKER, Judge
Court of Common Pleas
Summit County, Ohio

/mjl

cc: Asst. Prosecutors Brad Gessner/Brian LoPrinzi
Attorney Donald R. Hicks
Attorney Jon Sinn
Court Operations/Criminal Division