

1 THE STATE OF OHIO, )  
 ) SS: JOHN D. SUTULA, J.  
 2 COUNTY OF CUYAHOGA. )

3 IN THE COURT OF COMMON PLEAS  
 4 (CRIMINAL BRANCH)

5 THE STATE OF OHIO, )  
 )  
 6 Plaintiff, )  
 )  
 7 vs. ) Case No. 478205  
 ) CA No. 89588  
 8 WILLIAM HUDSON, )  
 )  
 9 Defendant. )

10 DEFENDANT'S TRANSCRIPT OF PROCEEDINGS  
 11 - - -

12 APPEARANCES:

13 WILLIAM D. MASON, Prosecuting Attorney,  
 by: James May, Assistant Prosecuting Attorney,  
 14 On behalf of the State of Ohio.

15 Nicholas Sidoti, Esq.,  
 16 On behalf of the Defendant.

17  
 18  
 19  
 20 Lisa Hrovat, RPR  
 Official Court Reporter  
 21 Cuyahoga County, Ohio

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10 EXCERPT OF TRANSCRIPT OF PROCEEDINGS

11  
 12 BE IT REMEMBERED, that at the  
 13 JANUARY, A.D. 2007 Term of said Court, this  
 14 cause came on to be heard before the Honorable  
 15 John D. Sutula, in Courtroom No. 23-B, The  
 16 Justice Center, Cleveland, Ohio, on Thursday,  
 17 March 8, 2007, upon the indictment filed  
 18 heretofore.  
 19

1 THURSDAY AFTERNOON SESSION, MARCH 8th, 2007

2 THE COURT: We are here in the case of the  
3 State of Ohio versus William Hudson. This is Case  
4 No. 478205. On a prior date in court the  
5 Defendant was found guilty in a jury trial on a  
6 several-count indictment. Some of the counts were  
7 tried to the Court along with several  
8 specifications. Attempted murder in Counts 1 and  
9 2 were tried to the jury, those are both in  
10 violation of Ohio Revised Code Section 2923.02 and  
11 2903.02 along with the 1 and 3-year firearm  
12 specifications. The jury found him guilty on each  
13 of those counts. Those are both felonies of the  
14 1st degree.

15 He was also found guilty on Counts 3 and 4,  
16 felonious assault, each with a 1 and 3-year  
17 firearm specification by the jury. Those are in  
18 violation of Ohio Revised Code Section 2903.11.  
19 Those are both felonies of the 1st degree.

20 He was found guilty in a trial to the Court  
21 in Count 7, having weapon under disability. That  
22 is in violation of Ohio Revised Code Section  
23 2923.13. That is a felony of the 3rd degree. And  
24 he was also tried to the Court on notice of prior  
25 conviction and repeat violent offender

1 specification to the Court in Counts 1, 2, 3 and 4  
2 and found guilty by the Court on each of those  
3 specifications.

4 So he has two attempted murder violations,  
5 two felonious assault violations, each with a 1  
6 and 3-year firearm specification. All felonies of  
7 the 1st degree. Each of those felonies of the 1st  
8 degree, there are four of them, are punishable by  
9 time of incarceration in prison in annual  
10 increments between 3 and 10 years inclusive and/or  
11 fines up to \$20,000 for each offense. A felony of  
12 the 3rd degree is punishable by time of  
13 incarceration in prison -- I'm sorry -- attempted  
14 murder -- There is a correction here in that the  
15 felonious assault felonies are felonies of the 2nd  
16 degree. So there are two felonies of the 1st  
17 degree, two felonies of the 2nd degree, one of the  
18 3rd degree. I already said the penalties for the  
19 felonies of the 1st degree. Two felonies of the  
20 2nd degree are punishable by time of incarceration  
21 in prison in annual increments between 2 and 8  
22 years inclusive and/or fines up to \$15,000.

23 Now, the 1 and 3-year firearm  
24 specifications for each of those four counts will  
25 be served prior to and consecutive with and will

1 be merged into one 3-year firearm specification.

2 So one 3-year enhancement specification.

3 The felony of the 3rd degree is punishable  
4 by time of incarceration in prison in annual  
5 increments of between 1 and 5 years inclusive  
6 and/or fines up to \$10,000.

7 Now, the five felonies, if they are found  
8 to run consecutive, would result in the following.  
9 Maximum sentences of 11 years minimum up to 31  
10 years in prison in annual increments plus the  
11 3-year firearm specification, which would be  
12 served prior to and consecutive, for a total of a  
13 minimum 14 years up to 34 years in prison in  
14 annual increments and/or fines up to \$80,000.

15 Now, the Defendant was also found guilty of  
16 repeat violent offender specification and notice  
17 of prior conviction specification. Repeat violent  
18 offender specification would mean the Defendant  
19 can incur additional 1, 2, 3, 4, 5, 6, 7, 8, 9 or  
20 10 years for each of these offenses which would be  
21 served prior to and in addition to the underlying  
22 sentences.

23 If the Court imposes a prison term, upon  
24 the completion of that term the State of Ohio  
25 Adult Parole Authority will supervise the

1 Defendant for 5 years under what is called post  
2 release control. If the Adult Parole Authority  
3 does supervise the Defendant, and if he were to  
4 fail to meet the terms and conditions of the post  
5 release control supervision, the Adult Parole  
6 Authority can modify and/or extend the supervision  
7 and make it more restrictive, incarcerate the  
8 Defendant for up to one half of the original  
9 sentence imposed by the Court, charge the  
10 Defendant with a new offense called escape,  
11 another felony where he would face additional  
12 prison time, and if he were to commit a new crime  
13 while under the post release control he could face  
14 the maximum penalty under the law for the new  
15 crime committed.

16 Prior to coming out on the bench today I  
17 had the opportunity to review the entire case  
18 file, presentence investigation reports, Revised  
19 Code 2929.11 for the principles and purposes of  
20 sentencing, Revised Code 2929.12 for the  
21 seriousness and recidivism factors, and Revised  
22 Code 2929.13 and other Revised Code Sections for  
23 felony sentencing of the 1st, 2nd and 3rd degree.

24 Present today from the beginning of the  
25 hearing has been the Defendant, Mr. Hudson, along

1 with his counsel, Nicholas Sidoti. Representing  
2 the interest of the State of Ohio is Assistant  
3 County Prosecutor James May. Mr. May.

4 MR. MAY: Yes. Thank you, your Honor.  
5 Would the Court like to hear my remarks?

6 THE COURT: Wait a minute. I further note  
7 that the Defendant is here on a community control  
8 violation also, that being Case No. 469048, the  
9 violation being the pending counts for attempted  
10 murder and violating his electronic home  
11 detention. Mr. May.

12 MR. MAY: Yes, your Honor. I have here  
13 today in court, to remind the Court of what he has  
14 undergone, the victim in this case, Mr. Genaro  
15 Claudio. I ask that he have the opportunity to  
16 speak with you at this time. You may note, your  
17 Honor, Mr. Claudio is in a wheelchair today and  
18 was not at the trial but there is a very good  
19 explanation for that. It's not for sympathy but,  
20 rather, he has had yet additional surgery on his  
21 leg which he can explain to you what has happened.  
22 He has the bones in his leg fused together and he  
23 will tell you about it now. Please introduce  
24 yourself.

25 THE COURT: State your name, please.

1                   THE VICTIM: Genaro Claudio.

2                   THE COURT: You may speak.

3                   THE VICTIM: It's been hard for me for the  
4 last year and a half since this happened. It's  
5 kind of a shame. All that I can say, no matter  
6 how long he gets -- I mean, he can get the max and  
7 I'm going to deal with this for the rest of my  
8 life. I just got surgery two weeks ago. In the  
9 future, probably a couple more years, the doctor  
10 told me that I am going to get knee replacement.  
11 The surgery was about bone grinding. They had to  
12 take the bone from the right side of the knee and  
13 grind it, because the bullet broke the whole knee,  
14 and put a new kneecap in and screws to straighten  
15 up the legs. Also, I got a bullet in my rib  
16 cavity that I will have for the rest of my life  
17 also.

18                   I got a little -- I got a little girl,  
19 she's 4 years old. For the last two years I  
20 couldn't -- I feel bad and sad because she's 4  
21 years old and sometimes she wants to go to the  
22 park or ride bikes. This situation changed my  
23 whole life with my family, my little girl, and  
24 affected me like psychologically. Most of the  
25 things will hurt if I play with her. The basic



1           thing here is it changed my whole life. I got to  
2           deal with this for the rest of my life. I will be  
3           out of work for a year and a half, and I just got  
4           surgery last Wednesday. The doctor told me that I  
5           have to wait another 6 months to a year to be able  
6           to bend the knee and try to walk again. It will  
7           be a couple more years before, you know, I try to  
8           stand up to be the person that I used to be and  
9           play sports, play with my little girl, work, and  
10          do a lot of things that I used to do.

11                    I want to say that -- Thank you very much,  
12           your Honor.

13                    MRS. SANTOS: Your Honor, my name is Sylvia  
14           Santos. I'm the mother of Genaro Claudio.

15                    Your Honor, there is a couple of things  
16           that Genaro, he is upset and he is a bit nervous,  
17           and there are a couple of things that the doctor  
18           told Genaro on his last visit; that he won't be  
19           able to run anymore for the rest of his life.  
20           What this guy has done to us, we have been through  
21           so much pain, it hurts so much when my  
22           granddaughter, Genaro's daughter, who wants to be  
23           picked up and he can't pick up his daughter.

24                    What he has done to Genaro, to us, to all  
25           of us, he not only ruined Genaro's life, Genaro is

1 a young guy, he would work, and he was a happy  
2 person. Now after this happened, your Honor, I  
3 left my job to take care of my son and I was a  
4 witness of his nightmares. Up to this day, even  
5 this morning I mentioned to him that he was  
6 screaming. I was in the basement, and I came  
7 upstairs, and when I come upstairs his eyes are  
8 wide open. In the beginning he thought that Mr.  
9 Hudson would come back. Now it's just nightmares.  
10 He saw a doctor before. The doctor said, Well,  
11 this is going to take a long, long time.

12 Again, your Honor, I'm here because I think  
13 that this -- I'm sure this guy just doesn't have  
14 an idea what he has done to somebody else's life.  
15 What really hurts, not only Genaro, because he's  
16 the victim here, I'm sure it hurts him the most,  
17 but me as his mother and his brothers. We've all  
18 suffered. He was an innocent person. He was an  
19 innocent victim of this.

20 Your Honor, please take into consideration  
21 as a mother, son, him being a father, it's ruined  
22 our lives and, again, for the rest of our lives.  
23 Thank you.

24 THE COURT: Thank you, ma'am.

25 MR. FIGUEIROA: Your Honor, my name is

1           Hector Figueiroa. I'm Genaro's cousin. I want to  
2           say, your Honor, no matter what we say here today  
3           it's not going to change anything what happened.  
4           And Genaro is ruined for the rest of his life. He  
5           won't be able to do things that he used to do  
6           before. He's been through a lot mentally,  
7           physically, emotionally. His family has been  
8           through also. What this guy has done to Genaro,  
9           no matter what time he serves in jail, you know,  
10          eventually he will be free and he is going to be  
11          able to walk, run, work, do the normal things a  
12          human being would be able to do. Genaro still  
13          won't be able to do what many people can do. It's  
14          hard. We keep mentioning his daughter because he  
15          is real close to her. She's 4 years old. I have  
16          a 5-year-old daughter. We usually do things  
17          together and it's hard -- We go to Chuckie Cheese,  
18          somewhere simple, all that he can do is sit there  
19          and just look at his daughter play with me and my  
20          daughter because he can't do the things that he  
21          used to do.

22                   I hope that -- I'm sure that you'll make  
23                   the right decision and give him the sentence that  
24                   he deserves. I want Mr. Hudson to know what you  
25                   do here in the world you will pay for it here.

1           That is all that I have to say. Thank you.

2           MR. MAY: Would you like to hear from the  
3 State now?

4           THE COURT: Pardon me?

5           MR. MAY: Would you like to hear from the  
6 State now or last?

7           THE COURT: Yes.

8           MR. MAY: I'd like to thank this Court for  
9 giving me the opportunity to come up here and join  
10 in this case. This case was an important case  
11 when I had it, and it took quite awhile to bring  
12 to fruition which is why I came back to do it. I  
13 thought it was important. I would like to thank  
14 the Court for its patience.

15           The Court noted when we came to the jury's  
16 verdict, I'd like to point out here, there seemed  
17 to be some questions as to what the jury was  
18 thinking. And, of course, we don't know exactly  
19 what the jury was thinking. We promised we would  
20 look into that for the Court. I would like the  
21 Court to know there is no appellate issue here  
22 regarding what some might perceive as some kind of  
23 inconsistent result with Count 2 and Counts 5 and  
24 6. For that, I refer the Court to cases which I  
25 have supplied to Mr. Sidoti and to the Court, the

1 case of State v. Burrell, which is in our own  
2 appellate district, Eighth District, and it's 1998  
3 Westlaw, 183839. It's from 1998. That is based  
4 on a case from the Ohio Supreme Court, your Honor,  
5 State v. Adams, 55 Ohio St.2d, 223. That is from  
6 1978. Both those cases, your Honor, indicate that  
7 nothing is inconsistent about a jury verdict  
8 unless there is something inconsistent within the  
9 count itself.

10 In this case, as the State argued, and it  
11 seems the jury may quite have reasonably followed,  
12 I argued clearly to them that this case was a  
13 murder attempt. It was intended to be a murder  
14 that was wrapped up and cloaked in this guise of  
15 an aggravated robbery so the newspaper line would  
16 read, like sometimes it does, West side man found  
17 shot in the head. Money, jewelry missing,  
18 suspected drug related. But one thing the  
19 Defendant did not expect is Genaro Claudio reacted  
20 and tried to save his own life. So the first  
21 thing Genaro did was pull the gun down from his  
22 head. That caused him to be shot in the abdomen.  
23 Right there, your Honor, that is the attempted  
24 murder we are talking about here. That is what  
25 the jury saw. They saw the attempted murder, and

1 I believe -- I'm not going to seek to say what the  
2 jury thought, but it seems to me they see this for  
3 what it is. This is an attempted murder for a  
4 ridiculous little bar fight with the wrong person.  
5 He's got the wrong victim in mind when he is  
6 trying to kill Genaro Claudio. It's his cousin,  
7 and Genaro happened to be nearby. It's an  
8 understandable mistake, but you don't kill  
9 somebody over a little bar fight and certainly  
10 don't try to kill the wrong person. The  
11 aggravated robbery, it seems the jury felt, yeah,  
12 he did it but he did not intend to rob him, he  
13 just intended to kill him. That may explain --  
14 that is one explanation that I offer. The most  
15 important thing that I say is that it doesn't  
16 matter according to the Supreme Court. The  
17 verdict will stand, and it will withstand  
18 constitutional and appellate scrutiny in this  
19 case.

20 The concern that I do have is my second  
21 point, your Honor, with regard to the RVO. I'm  
22 afraid that I, in my exuberance to put this before  
23 the Court, was distracting the Court when I was  
24 asking for a ruling on it when I proceeded into  
25 this RVO specification repeat violent offender

1 specification under the current law.

2 Unfortunately, this case has the RVO specification  
3 under the old law. I think that I may have pulled  
4 the Court along with me because the old law  
5 required me under the RVO to prove that some kind  
6 of physical harm occurred in the underlying  
7 offense. The underlying offense listed in the  
8 indictment was aggravated burglary which it turns  
9 out, under the old law, to be one of the few 1st  
10 degree felony offenses that requires the State to  
11 actually prove that somebody got hurt.

12 In that process of acting under the new  
13 RVO, I persuaded the Court that that should be  
14 something we should find here. While I do believe  
15 the Defendant is a repeat violent offender under  
16 the old law, I did not actually prove, to  
17 constitutional satisfaction, that he is a repeat  
18 violent offender for sentencing purposes. So I  
19 ask the Court to take that into account and, upon  
20 further consideration, to diffuse a potential  
21 appellate issue and not issue any sentence with  
22 regard to the RVO but, perhaps, to redirect  
23 sentencing to the counts as they are.

24 As this Court knows me, ordinarily, I  
25 believe generally, I don't try to interject myself

1           into sentencings before this Honorable Court.  
2           These two issues definitely required me to say  
3           something. In this case I feel it's important,  
4           and I hope the Court will consider certain factors  
5           that make this a case more severe, if that can be  
6           said, with regard to attempted murder.

7                       I have been in front of this Court before  
8           on an attempted murder case, and the Court knows  
9           no one has to be harmed in order for it to be  
10          prosecuted and convicted and incarcerated for  
11          attempted murder. We have had cases where no one  
12          has had a hair harmed on their head; however, this  
13          was attempted murder and it certainly rises to the  
14          worst form of the offense.

15                      What did Mr. Hudson do? Well, as best as  
16          we can understand without tapping into his mind,  
17          he decided that he needed to kill Genaro Claudio  
18          because he thought incorrectly that Genaro Claudio  
19          was the one that hit him in the head with the  
20          bottle. And he stewed over this for over a month  
21          and pulled together a plan when he saw the  
22          opportunity. The Defendant tried to shoot the  
23          victim in the head right in the car, and that is  
24          the attempted murder right there. When the victim  
25          foiled that first shot and took the shot or shots



1 to the abdomen, then this case got more  
2 complicated. So we have an attempted murder right  
3 out of the gate, and then a felonious assault, and  
4 then another felonious assault, and another  
5 felonious assault, and another and another. After  
6 the struggle when the victim is running away, the  
7 Defendant is still shooting at him trying to kill  
8 him or at least trying to maim him.

9 The Court has heard all the evidence, and  
10 the Court has seen Genaro Claudio, and the Court  
11 knows his left leg to the kneecap was exploded  
12 from behind from the last shot out of that gun.  
13 So what I would ask the Court to consider  
14 carefully here is that the State firmly believes  
15 the attempted murder and the felonious assault  
16 counts do not merge. Certainly, the attempted  
17 murder count and the felonious assault count with  
18 regard to causing serious physical harm does not  
19 merge. There should be separate consecutive  
20 sentences imposed with regard to those two counts.

21 Now, they only merge if you want them to,  
22 your Honor, and each shot that hit this victim  
23 could be considered a separate intentional act by  
24 the Defendant. They just don't charge them that  
25 way. In this case we have both assault with a

1 deadly weapon multiple times and serious physical  
2 harm multiple times. Different ways of looking at  
3 felonious assault. Because there are only two  
4 felonious assault charges here, I ask you to  
5 consider running them separately and consecutive.  
6 They have both been proven rock solidly beyond a  
7 reasonable doubt. I ask you not to merge the  
8 attempted murder with the felonious assaults. I  
9 have the same argument with the felonious assault  
10 counts. Not only did Genaro's leg get destroyed  
11 but he has a bullet that entered through his back,  
12 fractured his ribs, back, and occasionally causing  
13 him random, severe internal injury and pain. It  
14 will continue to migrate in his body until it is  
15 in a place where they can safely remove it.

16 The final counts tried before the bench  
17 brings me to this summation. Under the weapon  
18 under disability count the Defendant had not  
19 one -- the Defendant had one and did not have two  
20 guns in this case. If the Court remembers the  
21 evidence, the bullets in the victim don't match  
22 the gun recovered but the gun was found by the  
23 hat, and the hat and the gun were probably dropped  
24 when the Defendant went over the fence.

25 Now, the interesting thing here, I tried to

1           make that point in my closing argument and I think  
2           I did it successfully, we talked to not one but  
3           two separate men who spoke with the Defendant  
4           months and months and months and months apart.  
5           Yet both of them basically took the Defendant's  
6           confession except it was not in the form of a  
7           confession it was more in the form of disbelief  
8           from Mr. Wente who basically heard, I can't  
9           believe that guy didn't die. How do you take two  
10          in the stomach and not die? And from Mr.  
11          Satterfield who heard about the going over the  
12          fence and running. The funny part was, and I  
13          didn't know until I got to interview the officer,  
14          I didn't know the officer had seen him going over  
15          the fence. Nobody knew that. The only way  
16          Derrick Satterfield knew that is if he talked to  
17          the Defendant. It was not in the police report  
18          that he could steal to try to save his own butt.  
19          That struck me as super powerful stuff. But when  
20          it matched up to what Officer Connor said, an  
21          officer that I did not have an opportunity to  
22          speak with about the facts, it shows just how the  
23          most little insignificant fact can become the most  
24          important fact. Those men, call them snitches, if  
25          you will, are telling the truth.

1           The Defendant has a substantial criminal  
2           record as this Court knows. He knows the system,  
3           he knows the rules, he knows how it works and  
4           knows that he was not supposed to have a gun. He  
5           used a gun in the worst possible way trying to  
6           shoot someone in the head and then multiple times.  
7           I ask you to impose the maximum sentence on that  
8           particular count as well. Separate consecutive  
9           time for all these counts. The Defendant has been  
10          imprisoned numerous times, as you will see from  
11          his record in the presentence investigation, and  
12          committed more crimes. Recidivism is highly  
13          likely. And since deterrence has not worked, I  
14          ask you to impose the maximum possible sentence on  
15          the guilty counts and run them consecutive. He  
16          shows no remorse in this case.

17                 THE COURT: What?

18                 MR. MAY: Maximum possible sentences  
19                 consecutively. He would do it again if he can get  
20                 away with it and probably try to go after Derrick  
21                 Satterfield and Joseph Wente. If you think about  
22                 it, what is this case about? Getting hit in the  
23                 head in a little dispute in a bar with a bottle.  
24                 What is he going to try to do to someone who is  
25                 trying to send him to prison for years and years

1 and years like Satterfield and Wente? I don't  
2 envy them, and I suspect they will probably move  
3 out of the state and disappear as fast as they  
4 can.

5 I'm asking you to protect us, your Honor,  
6 and I'm asking you to protect them, (indicating).  
7 I ask you to protect Mr. Wente, Mr. Satterfield,  
8 and to protect us all, your Honor, and send Mr.  
9 Hudson away for as long as possible because I  
10 don't think that he is ever going to comport with  
11 the rules of society.

12 THE COURT: What is your position on the  
13 RVO?

14 MR. MAY: The Court should consider either  
15 declaring him not guilty of the RVO upon further  
16 consideration since I think that I convinced the  
17 Court under the wrong standard or, if not, to not  
18 find any additional time under the RVO because  
19 that would be an instantaneous victorious  
20 appellate issue. Thank you, your Honor.

21 THE COURT: Mr. Sidoti.

22 MR. SIDOTI: Thank you, your Honor. Your  
23 Honor, with respect to the counts and the findings  
24 by the jury, your Honor, Counts 1 and 2 we ask  
25 that Count 2 would be a lesser included offense.

1 It should be merged along with Count 1. Also, the  
2 Court is aware that the findings as to the  
3 felonious assault by the jury, this happened out  
4 of the same moment in time, the same instance. We  
5 ask the Court to also consider that Counts 3 and 4  
6 also be merged along with Count 1. We understand  
7 the 3-year gun spec that would go along with that.  
8 Also, your Honor, and any time given on Counts 1,  
9 2, 3, 4 and 7 be ran concurrently and not  
10 consecutively.

11 In speaking with my client, your Honor, he  
12 maintained his innocence at the onset, he  
13 maintains it now. He does not wish to speak with  
14 the Court regarding the case. We believe the  
15 findings by the jury are inconsistent with the  
16 evidence that has been presented. Whatever the  
17 appealable issues are to the appellate level or  
18 Supreme Court level, I object to that which was  
19 stated by Mr. May as to what is proper for their  
20 review and what is not. I think that is an issue  
21 for the appeals court to decide whether or not  
22 they want to review the cases brought up by Mr.  
23 May. I had the chance to look them over, and I  
24 find the cases are not similar, they are different  
25 than what was tried in this Court, your Honor.

1           Then, again, with respect to the RVO, there  
2           has been no evidence offered of any physical harm  
3           being done to any person by the prosecution, and  
4           we ask the Court not impose any sentence as to the  
5           RVO specs, your Honor.

6           We ask to be heard at least to the appeal.  
7           I believe no matter what the sentence, my client  
8           is going to exercise his right to an appeal. He  
9           is indigent, your Honor, so he will request  
10          appellate counsel be appointed. If the Court  
11          would consider the appointment of Margaret Robey  
12          as his appellate counsel?

13          THE DEFENDANT: Thank you, sir.

14          THE COURT: Mr. Hudson, do you have a  
15          statement or refuse to make a statement?

16          THE DEFENDANT: No, your Honor.

17          THE COURT: In regards to each of the two  
18          felonies of the 1st degree, the Defendant will be  
19          sentenced to 10 years at Lorain Correctional  
20          Institute. In regards to each of the two felonies  
21          of the 2nd degree, 6 years at the Lorain  
22          Correctional Institute. The two felonies of the  
23          1st degree will be served concurrent with each  
24          other, the two felonies of the 2nd degree will be  
25          served concurrent with each other. On the felony

1 of the 3rd degree, which is Count 7, having weapon  
2 under disability, he will receive 5 years in  
3 prison. That will run consecutive to the felonies  
4 of the 2nd degree. The felonies of the 2nd degree  
5 and felonies of the 3rd degree will run  
6 consecutive to the felonies of the 1st degree. So  
7 a total of 21 years in prison.

8 In addition, the 1 and 3-year firearm  
9 specifications for each of the felonies of the 1st  
10 and 2nd degrees will merge into one 3-year firearm  
11 specification which will be served prior to and  
12 consecutive with the underlying charges for a  
13 total of 24 years in prison. The Defendant will  
14 pay restitution in the amount equal to lost  
15 wages and medical expenses of the victim as  
16 determined by probation. He will pay costs.

17 The Defendant has appeal rights because of  
18 the trial by jury, and also there are consecutive  
19 discretionary sentences here. If the Defendant is  
20 unable to pay the cost for an appeal, he has a  
21 right to appeal without payment. If the Defendant  
22 is unable to obtain counsel for appeal, counsel  
23 will be appointed without cost. If the Defendant  
24 is unable to pay the cost for documents necessary  
25 for an appeal, the documents will be provided



1 without cost. The Defendant has a right to have  
2 notice of appeal timely filed on his behalf, and  
3 upon Defendant's request the Court shall appoint  
4 counsel for purposes of the appeal. As indicated,  
5 the Defendant does wish to appeal and the Court  
6 will appoint Margaret Robey as appellate counsel.  
7 She has a good reputation with the Court for that  
8 and is also on the assignment list for that  
9 purpose. The transcript will be at State's  
10 expense. He will also receive 5 years PRC.

11 In Case No. 469048 the Defendant will be  
12 found in violation of his community control.  
13 Community control will be terminated. He will be  
14 sentenced to 1 year in prison at the Lorain  
15 Correctional Institute. By statute, that 1 year  
16 will be consecutive to Case No. 487205 -- I'm  
17 sorry, 478205. He will receive credit for time  
18 served in both cases. Sheriff will compute the  
19 time in both cases and also pay costs.

20 This Defendant has a long history of  
21 criminal offenses dating back to 1990. They  
22 include receiving stolen property, breaking and  
23 entering, aggravated burglary, on a couple  
24 occasions engaging in a pattern of corrupt  
25 activity, and other items which indicate this

1 individual Defendant is a danger to society in  
2 whole, and that an extreme amount of punishment is  
3 necessary to protect the public and punish the  
4 Defendant.

5 Anything else, gentlemen?

6 MR. MAY: Thank you, your Honor.

7 MR. SIDOTI: No, sir. Thank you, your  
8 Honor.

9 THE COURT: As a continuation of the  
10 hearing, because there is mandatory sentences, the  
11 Defendant is not eligible for judicial release  
12 during the period of mandatory sentencing and he  
13 is not eligible for any community control.

14 - - - - -

15 (Thereupon, the transcript of proceedings was concluded.)

16 - - - - -

## C E R T I F I C A T E

1  
2  
3 I, Lisa Hrovat, Official Court Reporter for  
4 the Court of Common Pleas, Cuyahoga County, Ohio,  
5 do hereby certify that I am employed as an Official  
6 Court Reporter, and I took down in stenotypy a  
7 portion of the proceedings had in said Court of  
8 Common Pleas in the above-entitled cause; that I have  
9 transcribed a portion of my said stenotype notes into  
10 typewritten form as appears in the foregoing  
11 Transcript of Excerpt of Proceedings; that said  
12 transcript is a partial record of the proceedings had  
13 in the said cause, and constitutes a true and correct  
14 Transcript of Excerpt of Proceedings had therein.  
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16  
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18

19 \_\_\_\_\_  
Lisa Hrovat, RPR  
20 Official Court Reporter  
Cuyahoga County, Ohio  
21  
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