

FILED
IN THE COURT OF COMMON PLEAS
2011 MAR 21 P 3:19
LAKE COUNTY, OHIO

STATE OF OHIO)
Plaintiff)
vs.)
ERIN HENDRIX)
Defendant)

CASE NO. 10-CR-000588
JUDGMENT ENTRY OF SENTENCE
JUDGE EUGENE A. LUCCI

LAKE CO. CLERK OF COURT
JULY 19 2011

This day, to-wit: March 15, 2011, this matter came on for Defendant's sentencing hearing pursuant to R.C. 2929.19 with the Lake County Prosecuting Attorney, Charles E. Coulson, by and through Lisa A. Neroda, Assistant Prosecuting Attorney and Paul E. Kaplan, Assistant Prosecuting Attorney, on behalf of the State of Ohio, and the Defendant, Erin Hendrix, represented by Steven Bradley, Esquire, being present in court.

The Defendant previously was found "Guilty" by a Jury of Count 9, Felonious Assault, a felony of the second degree, in violation of Section 2903.11(A)(1) of the Ohio Revised Code; Count 10, Endangering Children, a felony of the third degree, in violation of Section 2919.22(A) of the Ohio Revised Code; Count 11, Endangering Children, a felony of the second degree, in violation of Section 2919.22(B)(1) of the Ohio Revised Code; Count 12, Complicity to Attempted Aggravated Murder, a felony of the first degree, in violation of Sections 2923.03(A)(2), 2923.02(A) and 2903.01(C) of the Ohio Revised Code; Count 13, Complicity to Attempted Murder, a felony of the first degree, in violation of Sections 2923.03(A)(2), 2923.02(A) and 2903.02(B) of the Ohio Revised Code; Count 14, Complicity to Felonious Assault, a felony of the second degree, in violation of Section 2923.03(A)(2) and 2903.11(A)(1) of the Ohio Revised Code; Count 15, Complicity to Endangering Children, a felony of

the third degree, in violation of Sections 2923.03(A)(2) and 2919.22(A) of the Ohio Revised Code, with a finding that this offense resulted in serious physical harm to a minor female victim; Count 16, Complicity to Endangering Children, a felony of the second degree, in violation of Sections 2923.03(A)(2) and 2919.22(B)(1) of the Ohio Revised Code, with a finding that this offense resulted in serious physical harm to a minor female victim; Count 17, Complicity to Contaminating a Substance for Human Consumption or Use, a felony of the first degree, in violation of Sections 2923.03(A)(2) and 2927.24(B)(1) of the Ohio Revised Code, with a finding that the amount of poison, hazardous chemical, or other harmful substance involved an amount sufficient to cause death if ingested or used by a person; Count 18, Complicity to Contaminating a Substance for Human Consumption or Use, a felony of the first degree, in violation of Sections 2923.03(A)(2) and 2927.24(B)(1) of the Ohio Revised Code, with a finding that this offense resulted in serious physical harm to a minor female victim; Count 19, Complicity to Contaminating a Substance for Human Consumption or Use, a felony of the first degree, in violation of Sections 2923.03(A)(2) and 2927.24(B)(1) of the Ohio Revised Code; Count 20, Complicity to Contaminating a Substance for Human Consumption or Use, a felony of the first degree, in violation of Sections 2923.03(A)(2) and 2927.24(B)(1) of the Ohio Revised Code, with a finding that this offense resulted in serious physical harm to a minor female victim; Count 21, Complicity to Contaminating a Substance for Human Consumption or Use, a felony of the first degree, in violation of Sections 2923.03(A)(2) and 2927.24(B)(1) of the Ohio Revised Code, with a finding that the amount of poison, hazardous chemical, or other harmful substance involved an amount sufficient to cause death if ingested or used by a person and Count 22, Complicity to Contaminating a Substance for Human Consumption or Use, a felony of the first degree, in violation of Sections 2923.03(A)(2) and 2927.24(B)(1) of the Ohio Revised Code, with a finding that this offense resulted in serious physical harm to a minor female victim.

The Court finds that Counts 12, 13, 17, 18, 20, 21 and 22 are subject to a mandatory prison term pursuant to R.C. Section 2927.24(E)(1).

The Court finds that Counts 9, 11, 14 and 16 are subject to a presumption in favor of prison under division (D) of section 2929.13 of the Ohio Revised Code.

The Court has also considered the record, oral statements, any victim impact statement, pre-sentence report and/or drug and alcohol evaluation submitted by the Lake County Adult Probation Department of the Court of Common Pleas, as well as the principles and purposes of sentencing under R.C. 2929.11, and has balanced the seriousness and recidivism factors under R.C. 2929.12.

In considering the foregoing, and for the reasons stated in the record, this Court finds that a prison sentence is consistent with the purposes and principles of sentencing set forth in R.C. 2929.11 and that Defendant is not amenable to an available community control sanction.

The Court finds that Defendant was afforded all rights pursuant to Crim.R. 32 and was given the opportunity to speak before judgment and sentence was pronounced against her.

IT IS HEREBY ORDERED:

That the Defendant serve a stated prison term of life imprisonment with parole eligibility after serving fifteen (15) years in prison on Count 18, which is a mandatory term of imprisonment. For purposes of sentencing, Counts 9, 10, 11, 12, 13, 14, 15, 16, 17, 19, 20, 21 and 22 merge with Count 18, pursuant to Ohio Revised Code Section 2941.25 and *State v. Johnson*, 2010 WL 5392806 (Ohio). Said prison term shall be served at the Ohio Reformatory for Women, Marysville, Ohio with seventeen (17) days of credit for time already served. If the Defendant is returned to prison for a violation of post-release control by the Ohio Adult Parole Authority, the sentence of this Court shall be served consecutive to the parole violation, pursuant to Ohio Revised Code Section 2929.141(A).

The Court does not recommend that the Defendant be placed in a Shock Incarceration or an Intensive Program Prison (IPP). ~~The Court disapproves of transfer to a transitional control program.~~

The Court has further notified the Defendant, that post release control is mandatory in this case for 5 years, as well as the consequences for violating conditions of post release control imposed by the Parole Board under Revised Code section 2967.28. The Defendant is ordered to serve as part of this sentence any term of post release control imposed by the Parole Board, and any prison term for violation of that post release control. As a result of Count 18 being a felony of the first degree mandating an indefinite sentence with parole eligibility after serving fifteen (15) years, the Court hereby also advised the Defendant if the parole board elects to release the Defendant after serving fifteen (15) years or more, she is subject to the Parole Board's terms and conditions until her death. If the defendant violates the terms and conditions of the Parole Board she could be returned to prison to serve the balance of the sentence up to life.

The Court further advises that if any applicable post release control ends prior to any parole supervision, the Defendant shall be supervised by the Parole Board. Further, if any parole supervision ends during any applicable post release control period, the post release control sanctions shall apply.

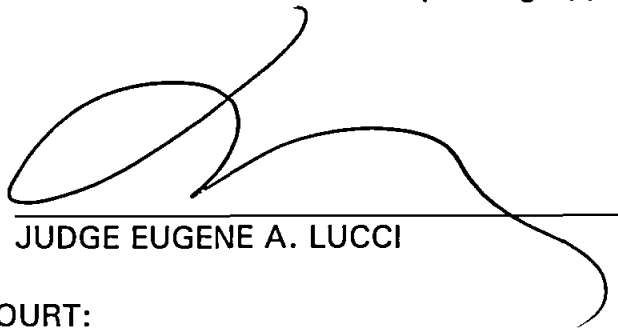
That the Clerk of Courts issue a warrant directed to Daniel A. Dunlap, Sheriff of Lake County, Ohio, to convey the said Defendant to the custody of the Ohio Reformatory for Women, Marysville, Ohio forthwith.

Defendant is ordered to pay all court costs and all costs of prosecution in an amount certified by the Lake County Clerk of Courts. Defendant is further ordered to pay any supervision fees as permitted pursuant to R.C. 2929.18(A)(5)(a).

The Defendant was notified of all of her rights to appeal, pursuant to Criminal Rule 32(B) and the Lake County Public Defender's Office was appointed for appeal.

Bond is hereby released and defendant's motion for bond pending appeal is denied.

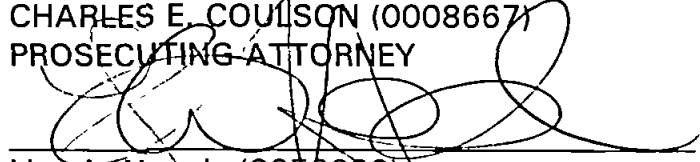
IT IS SO ORDERED.



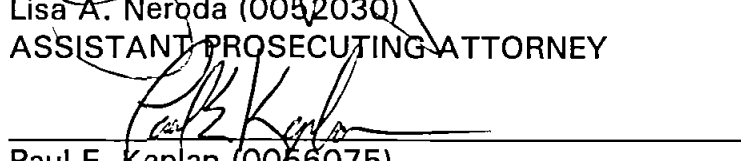
JUDGE EUGENE A. LUCCI

PREPARED ON MARCH 16, 2011
AT THE DIRECTION OF THE TRIAL COURT:

CHARLES E. COULSON (0008667)
PROSECUTING ATTORNEY



Lisa A. Neroda (0052030)
ASSISTANT PROSECUTING ATTORNEY



Paul E. Kaplan (0056075)
ASSISTANT PROSECUTING ATTORNEY
LAN/PEK/sd

