

IN THE COURT OF COMMON PLEAS  
LAKE COUNTY, OHIO

STATE OF OHIO	)	CASE NO. 11-CR-000321
Plaintiff	)	
vs.	)	<u>JUDGMENT ENTRY</u>
JOSEPH L. THOMAS	)	
Defendant	)	JUDGE EUGENE A. LUCCI

This day, to-wit: July 25, 2019, came the Lake County Prosecuting Attorney, Charles E. Coulson, by and through Carolyn K. Mulligan, Paul E. Kaplan, and Jason Shachner, Assistant Prosecuting Attorneys, on behalf of the State of Ohio, and the Defendant, Joseph L. Thomas, being in Court, and represented by counsel, Donald J. Malarcik, Esquire, and Noah Munyer, Esquire, the Defendant having heretofore entered a plea of "Not Guilty" to the charges in the Indictment, and further having been tried by a jury, the jury now returns its verdict.

The jury finds the Defendant "Guilty" of Count 2, Aggravated Murder, in violation of Section 2903.01(B) of the Ohio Revised Code; Count 3, Aggravated Murder, in violation of Section 2903.01(B) of the Ohio Revised Code; Count 4, Aggravated Murder, in violation of Section 2903.01(B) of the Ohio Revised Code; Count 5, Kidnapping, a felony of the First degree, in violation of Section 2905.01(A)(2) of the Ohio Revised Code; Count 6, Kidnapping, a felony of the First degree, in violation of Section 2905.01(A)(3) of the Ohio Revised Code; Count 7, Kidnapping, a felony of the First degree, in violation of Section 2905.01(A)(4) of the Ohio Revised Code; Count 8, Rape, a felony of the First degree, in violation of Section 2907.02(A)(2) of the Ohio Revised Code; Count 9, Aggravated Robbery, a felony of the First degree, in violation of Section 2911.01(A)(1) of the Ohio Revised Code; Count 10, Aggravated Robbery, a felony of the First degree, in violation of Section 2911.01(A)(3) of the Ohio Revised Code; and Count 11, Tampering With Evidence, a felony of the Third degree, in violation of Section 2921.12(A)(1) of the Ohio Revised Code.

The jury finds the Defendant "Not Guilty" of Count 1, Aggravated Murder, in violation of Section 2903.01(A) of the Ohio Revised Code.

The Court then proceeded to the sentencing hearing pursuant to R.C. 2929.19. For purposes of sentencing the Court finds that Counts 3 and 4 merge into Count 2; Counts 6 and 7 merge into Count 5; and Count 10 merges into Count 9.

The Court considered the record, the oral statement of Terry Lutz, a neighbor of the victim, who read a letter from Ellen Valore, the victim's sister, 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 on 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. The Court also finds that in every category the offenses committed were the most serious in nature and that the Defendant committed the worst form of each offense.

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 him.

**IT IS HEREBY ORDERED:**

That the Defendant serve: a stated term of life imprisonment without eligibility for parole on Count 2; eleven (11) years in prison on Count 5; eleven (11) years in prison on Count 8; eleven (11) years in prison on Count 9; and thirty-six (36) months in prison on Count 11. All said prison terms shall be served consecutive to each other for an aggregate term of life imprisonment without eligibility for parole, plus thirty-three (33) years, plus thirty-six (36) months in prison, to be served at the Lorain Correctional Institution, Grafton, Ohio. The Defendant has been incarcerated in Lake County Jail since January 10, 2018, making his local jail credit five hundred and sixty-one (561) days.

Pursuant to R.C. 2929.14(C)(4) and R.C. 2929.19(B)(2)(b), the Court finds for the reasons stated on the record that consecutive sentences are necessary to protect the public from future crime or to punish the Defendant and are not disproportionate to the Defendant's conduct and the danger the Defendant poses to the public, and the harm caused by two or more of the multiple offenses committed by the Defendant 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 Defendant's conduct.

The Court has further notified the Defendant, that post release control is mandatory in this case a maximum five (5) years on Counts 5, 8 and 9. If post-release control is imposed, and the Defendant violates any of the post-release control conditions, the Adult Parole Authority or Parole Board may impose more restrictive post-release control sanctions, or return Defendant to prison as part of this sentence for up to nine (9) months for each violation, up to a maximum of 50% of Defendant's stated prison term.

If the violation of post-release control is a felony offense, Defendant may be prosecuted for the new offense and the Court which presides over the new felony may impose an additional prison term for the post-release control violation. A prison term imposed for the violation shall be served consecutively to any prison term imposed for the new felony. The maximum prison term for the post-release control violation shall be the greater of twelve (12) months or the period of post-release control for the earlier felony minus any time that Defendant has spent under post-release control for the earlier felony.

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 Lorain Correctional Institution, Grafton, Ohio forthwith.

Following imposition of sentence, the Court notified the Defendant that he has been found guilty of a sexually oriented offense as defined in R.C. 2950.01 and is a Tier III Sex Offender Registrant.

Furthermore, the Court, pursuant to R.C. 2950.04, notified the Defendant of his duty to register with the appropriate law enforcement officials, and read the appropriate form as prescribed by the Bureau of Criminal Identification and Investigation, explaining his responsibilities to register. A copy of the form was provided to the Defendant. A copy of the executed form was forwarded to the appropriate law enforcement official.

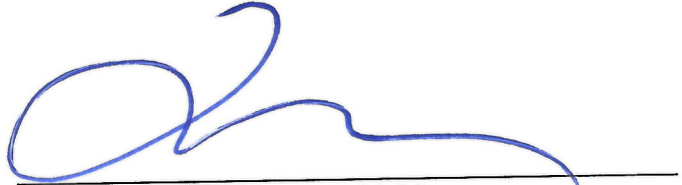
**IT IS HEREBY ORDERED THAT** Defendant is subject to the registration and verification provisions of R.C. Chapter 2950.

**Failure to register, failure to verify residence at the specified times or failure to provide notice of a change in residence address or other required information as described above will result in criminal prosecution.**

The Defendant was notified of all of his rights to appeal, pursuant to Criminal Rule 32(B). Separate appellate counsel will be appointed.

Bond, if any, is hereby released.

**IT IS SO ORDERED.**



JUDGE EUGENE A. LUCCI

PREPARED ON JULY 25, 2019  
AT THE DIRECTION OF THE TRIAL COURT:

CHARLES E. COULSON (0008667)  
PROSECUTING ATTORNEY



Carolyn K. Mulligan (0055939)  
ASSISTANT PROSECUTING ATTORNEY



Paul E. Kaplan (0056075)  
ASSISTANT PROSECUTING ATTORNEY



Jason Shachner (0092203)  
ASSISTANT PROSECUTING ATTORNEY

CKM/PEK/JS/lag