

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

STATE OF OHIO	)	CASE NO. CR-2012-01-0169-A
	)	
Plaintiff	)	JUDGE KELLY L. McLAUGHLIN
-vs-	)	
	)	
RICHARD JAMES BEASLEY	)	<b><u>JOURNAL ENTRY</u></b>
	)	
Defendant	)	
	- - -	

On February 9, 2018, the Supreme Court of Ohio issued a decision in State v. Beasley, in case number 2014-0313, in which the judgment of the Summit County Court of Common Pleas in Defendant's capital criminal case was affirmed in part and reversed in part. The Court remanded the case to the trial court for a new sentencing hearing consistent with its decision, and pursuant to R.C. 2929.06(A).

The Supreme Court's opinion states "we hereby affirm Beasley's convictions and his sentences of death. We vacate his sentence for his noncapital convictions, and remand the cause to the trial court for a new sentencing hearing consistent with this decision." Specifically, the Court found that the trial court did not make one of the necessary findings in ordering that the Defendant's sentences on the noncapital counts be served consecutively, that of the proportionality of the consecutive sentences.

A resentencing hearing was held on September 23, 2020. The State of Ohio was represented by Assistant Prosecuting Attorney Jacquenette Corgan, and the Defendant represented by two attorneys, Donald Hicks, who was with the Defendant at the institution at which he is incarcerated, and Donald Gallick, who was present via video for sentencing, separately from the Defendant.

Defendant waived his right to be physically present at the resentencing, in accordance with Rule 43 of the Ohio Rules of Criminal Procedure, and appeared by remote contemporaneous video, with counsel physically present with him, and available for private and in person communication. Notice was

given to the Defendant and defense counsel in accordance with the rule, and Defendant waived his right to present, in writing, with the leave of the court. Defendant was informed that he could change his mind at any time, and elect to be sentenced in person, and that the resentencing hearing would be continued if he so desired.

The video arrangements allowed the Defendant to both see and hear all proceedings, and allowed the Defendant to be seen and heard by the court and all parties. The case was remanded for the limited purpose of resentencing Defendant on the noncapital counts upon which he had been convicted.

The judge who presided over the resentencing was not the trial judge, but read and reviewed the entire record of the case, including both the guilt and mitigation phases of trial, and the prior sentencing hearing, in addition to the statements of counsel and the Defendant at the resentencing, and all other relevant information.

On March 20, 2013, the Jury had been sequestered, reached a verdict and found the Defendant guilty beyond a reasonable doubt of the following:

- Count 1, AGGRAVATED MURDER, R.C. 2903.01(A), SF;
- DEATH SPEC 2 TO CT 1, R.C. 2929.04(5)-SPEC;
- FIREARM SPEC 1 TO CT 1, R.C. 2941.145-SPEC;
- AGGRAVATED CIRCUMSTANCE SPEC 3 TO CT 1, R.C. 2929.04(a)(7)-SPEC;
- AGGRAVATED CIRCUMSTANCE SPEC 4 TO CT 1, R.C. 2929.04(A)(7)-SPEC;
- AGGRAVATED CIRCUMSTANCE SPEC 5 TO CT 1 \*(2929.04(4)-2929.04-SPEC;
- Count 2, AGGRAVATED MURDER, R.C. 2903.01(B), SF;
- DEATH SPEC 2 TO CT 2, R.C. 2929.04(5)-SPEC;
- AGGRAVATED CIRCUMSTANCE SPEC 3 TO CT 2, R.C. 2929.04(A)(7)-SPEC;
- AGGRAVATED CIRCUMSTANCE SPEC 4 TO CT 2, R.C. 2929.04(A)(7)-SPEC;

- AGGRAVATED CIRCUMSTANCE SPEC 5 TO CT 2 \*(2929.04(4)-2929.04-SPEC;
- FIREARM SPEC 1 TO CT 2, R.C. 2941.145-SPEC;
- Count 3, AGGRAVATED MURDER, R.C. 2903.01(B)-SF;
- AGGRAVATED CIRCUMSTANCE SPEC 5 TO CT 3 \*(2929.04(4)-2929.04-SPEC;
- AGGRAVATED CIRCUMSTANCE SPEC 3 TO CT 3-2929.04(A)(7)-SPEC;
- AGGRAVATED CIRCUMSTANCE SPEC 4 TO CT 3-2929.04(A)(7)-SPEC;
- FIREARM SPEC 1 TO CT 3-2941.145-SPEC;
- DEATH SPEC 2 TO CT 3-2929.04(5)-SPEC;
- Count 4, AGGRAVATED MURDER, R.C. 2903.01(A)-SF;
- AGGRAVATED CIRCUMSTANCE SPEC 5 TO CT 4 \*(2929.04(4)-2929.04-SPEC;
- AGGRAVATED CIRCUMSTANCE SPEC 3 TO CT 4-2929.04(A)(7)-SPEC;
- AGGRAVATED CIRCUMSTANCE SPEC 4 TO CT 4-2929.04(A)(7)-SPEC;
- FIREARM SPEC 1 TO CT 4-2941.145-SPEC;
- DEATH SPEC 2 TO CT 4-2929.04(5)-SPEC;
- Count 5, AGGRAVATED MURDER, R.C. 2903.01(B)-SF;
- AGGRAVATED CIRCUMSTANCE SPEC 5 TO CT 5 \*(2929.04(4)-2929.04-SPEC;
- AGGRAVATED CIRCUMSTANCE SPEC 3 TO CT 5-2929.04(A)(7)-SPEC;
- AGGRAVATED CIRCUMSTANCE SPEC 4 TO CT 5-2929.04(A)(7)-SPEC;
- FIREARM SPEC 1 TO CT 5-2941.145-SPEC;
- DEATH SPEC 2 TO CT 5-2929.04(5)-SPEC;
- Count 6, AGGRAVATED MURDER, R.C. 2903.01(B)-SF;

- AGGRAVATED CIRCUMSTANCE SPEC 5 TO CT 6 \*(2929.04(4)-2929.04-SPEC;
- AGGRAVATED CIRCUMSTANCE SPEC 3 TO CT 6-2929.04(A)(7)-SPEC;
- AGGRAVATED CIRCUMSTANCE SPEC 4 TO CT 6-2929.04(A)(7)-SPEC;
- FIREARM SPEC 1 TO CT 6-2941.145-SPEC;
- DEATH SPEC 2 TO CT 6-2929.04(5)-SPEC;
- Count 7, AGGRAVATED MURDER, R.C. 2903.01(A)-SF;
- AGGRAVATED CIRCUMSTANCE SPEC 5 TO CT 7 \*(2929.04(4)-2929.04-SPEC;
- FIREARM SPEC 1 TO CT 7-2941.145-SPEC;
- AGGRAVATED CIRCUMSTANCE SPEC 3 TO CT 7 \*(2929.04(4)-2929.04-SPEC
- AGGRAVATED CIRCUMSTANCE SPEC 4 TO CT 7 \*(2929.04(4)-2929.04-SPEC
- DEATH SPEC 2 TO CT 7, 2929.04(5)-SPEC;
- Count 8, AGGRAVATED MURDER, R.C. 2903.01(B), SF;
- AGGRAVATED CIRCUMSTANCE SPEC 5 TO CT 8 \*(2929.04(4)-2929.04-SPEC;
- AGGRAVATED CIRCUMSTANCE SPEC 3 TO CT 8 \*(2929.04(4)-2929.04-SPEC;
- AGGRAVATED CIRCUMSTANCE SPEC 4 TO CT 8 \*(2929.04(4)-2929.04-SPEC;
- FIREARM SPEC 1 TO CT 8-2941.145-SPEC;
- DEATH SPEC 2 TO CT 8-2929.04(5)-SPEC;
- Count 9, AGGRAVATED MURDER, R.C. 2903.01(B)-SF;
- AGGRAVATED CIRCUMSTANCE SPEC 5 TO CT 9 \*(2929.04(4)-2929.04-SPEC;
- FIREARM SPEC 1 T CT 9-2941.145-SPEC;
- DEATH SPEC 2 TO CT 9-2929.04(5)-SPEC;

- AGGRAVATED CIRCUMSTANCE SPEC 3 TO CT 9 \*\*(2929.04(4)-2929.04-SPEC;
- AGGRAVATED CIRCUMSTANCE SPEC 4 TO CT 9 \*\*(2929.04(4)-2929.04-SPEC;
- Count 10, ATTEMPTED MURDER \*\*(2923.02/2903.02(A)-2903.02(A)-F1;
- FIREARM SPEC 1 TO CT 10-2941.145-SPEC;
- Count 11, AGGRAVATED ROBBERY, R.C. 2911.01(A)(1)/(3)-a felony of the first (1<sup>st</sup>) degree;
- FIREARM SPEC 1 TO CT 11-2941.145-SPEC;
- Count 12, AGGRAVATED ROBBERY, R.C. 2911.01(A)(1)/(3)-a felony of the first (1<sup>st</sup>) degree;
- FIREARM SPEC 1 TO CT 12-2941.145-SPEC;
- Count 13, AGGRAVATED ROBBERY, R.C. 2911.01(A)(1)/(3)-a felony of the first (1<sup>st</sup>) degree;
- FIREARM SPEC 1 TO CT 13-2941.145-SPEC;
- Count 14, AGGRAVATED ROBBERY, R.C. 2911.01(A)(1)/(3)-a felony of the first (1<sup>st</sup>) degree;
- FIREARM SPEC 1 TO CT 14-2941.145-SPEC;
- Count 15, KIDNAPPING, R.C. 2905.01(A)(2)-a felony of the first (1<sup>st</sup>) degree;
- FIREARM SPEC 1 TO CT 15-2941.145-SPEC;
- Count 16, KIDNAPPING, R.C. 2905.01(A)(2)-a felony of the first (1<sup>st</sup>) degree;
- FIREARM SPEC 1 TO CT 16-2941.145-SPEC;
- Count 17, KIDNAPPING, R.C. 2905.01(A)(2)-a felony of the first (1<sup>st</sup>) degree;
- FIREARM SPEC 1 TO CT 17-2941.145-SPEC;
- Count 18, KIDNAPPING, R.C. 2905.01(A)(2)-a felony of the first (1<sup>st</sup>) degree;
- FIREARM SPEC 1 TO CT 18-2941.145-SPEC;

- Count 19, HAVING WEAPONS WHILE UNDER DISABILITY, R.C. 2923.13(A)(1)/(2)-a felony of the third (3<sup>rd</sup>) degree;
- Count 20, HAVING WEAPONS WHILE UNDER DISABILITY, R.C. 2923.13(A)(1)/(2)-a felony of the third (3<sup>rd</sup>) degree;
- Count 21, HAVING WEAPONS WHILE UNDER DISABILITY, R.C. 2923.13(A)(1)/(2)-a felony of the third (3<sup>rd</sup>) degree;
- Count 22, HAVING WEAPONS WHILE UNDER DISABILITY, R.C. 2923.13(A)(1)/(2)-a felony of the third (3<sup>rd</sup>) degree;
- Count 23, IDENTITY FRAUD, R.C. 2913.49(B)(1)-a felony of the fifth (5<sup>th</sup>) degree;
- Count 24, GRAND THEFT, R.C. 2913.02(A)(1)-a felony of the fourth (4<sup>th</sup>) degree ;
- Count 26, PETTY THEFT, R.C. 2913.02(A)(1)-a misdemeanor of the first (1<sup>st</sup>) degree;
- Count 27, PETTY THEFT, R.C. 2913.02(A)(1)- a misdemeanor of the first (1<sup>st</sup>) degree.

Which offenses occurred after July 1, 1996, and the court finds the Defendant guilty of the same.

At the time of the Defendant's trial, the Court dismissed the charge of:

- Count 25, GRAND THEFT, R.C. 2913.02(A)(1), a felony of the third (3<sup>rd</sup>) degree.

At the time of the original sentencing, the trial court found that Counts 2 and 3 of the indictment, including all aggravating circumstances specifications, merge into Count 1 of the indictment; that Count 5 and Count 6, including all aggravating circumstances specifications, and Count 16, Count 24 and Count 26, merge into Count 4 of the indictment; and that Count 8 and Count 9, including all aggravating circumstances specifications, and Count 27, all merge into Count 7 of the indictment. The trial court further found, at the time of the original sentencing, that the firearm specification 1 to Count 2, Count 3, Count 11 and Count 15 are merged with the firearm specification 1 to Count 1 of the indictment; that the firearm specification 1 to Count 5, Count 6, Count 12 and Count 16 are merged with

the firearm specification 1 to Count 4 of the indictment; and that the firearm specification 1 to Count 8, Count 9, Count 14 and Count 18 are merged with the firearm specification 1 to Count 7 of the indictment.

The Supreme Court of Ohio has affirmed Defendant's capital convictions and sentence of death in Count 1, Count 4 and Count 7 of the indictment.

The trial court, at the time of the original sentencing, also imposed, for each count of aggravated murder, an actual 3 year mandatory sentence for possession of a firearm in each of Counts 1, 4 and 7, and ordered that those sentences be served prior to and consecutively with Counts 1,4 and 7. The trial court, for the capital offenses, ordered that the death sentences be served concurrently with each other, but that the firearm specifications to each of those counts be served consecutively with each other. This Court is not resentencing on any of the capital counts.

Before proceeding with sentencing, the court, pursuant to Crim. R. 32, afforded counsel for Defendant an opportunity to speak on behalf of the Defendant. The court also addressed Defendant personally, gave Defendant an opportunity to speak and afforded Defendant all rights pursuant to Crim. R. 11 and 32. The court likewise provided the victims in this matter the opportunity to be present and present any relevant information.

The court considered the record, oral statements, the principles and purposes of sentencing under R.C. 2929.11, the seriousness and recidivism factors relevant to the offense and offender under R.C. 2929.12, and the need for deterrence, incapacitation, rehabilitation and restitution. The court is guided by the overriding purposes of felony sentencing, including protection of the public from future crime by the offender, and punishment of the offender, using the minimum sanctions that the court determines accomplish those purposes without imposing an unnecessary burden on state or local government resources.

The court finds that, after considering the factors set forth in R.C. 2929.12, a prison term is consistent with the principles and purposes of sentencing set forth in R.C. 2929.11, and the Defendant is not amenable to community control. The court further finds that a combination of community

control sanctions would demean the seriousness of Defendant's conduct, a sentence of imprisonment is commensurate with the seriousness of Defendant's conduct and a prison sentence does not place an unnecessary burden on the State governmental resources.

The trial court found, and this court separately finds, that the offenses identified as Count 10, Count 13 and Count 17 were committed with a separate animus and were not the result of a single act committed with a single state of mind.

IT IS HEREBY ORDERED that the Defendant, RICHARD JAMES BEASLEY, be committed to the Ohio Department of Rehabilitation and Correction for punishment of the crimes of:

- Count 10, Attempted Murder **2923.02/2903.02(A)-2903.02(A)**, a felony of the first (1<sup>st</sup>) degree; for a term of Ten (10) years in the ODRC;
- Count 13, Aggravated Robbery, R.C. 2911.01(A)(1)/(3), a felony of the first (1<sup>st</sup>) degree, for a term of six (6) years in the ODRC;
- Count 17, Kidnapping, R.C. 2905.01(A)(2), a felony of the first (1<sup>st</sup>) degree, for a term of Eight (8) years in the ODRC;
- Firearm Specs to Counts 10, 13 and 17 merge for a three (3) year Mandatory term in the ODRC;
- Count 19, Having Weapons While Under Disability, R.C. 2923.13(A)(1)/(2), a felony of the third (3<sup>rd</sup>) degree, for a term of Two (2) years in the ODRC;
- Count 20, Having Weapons While Under Disability, R.C. 2923.13(A)(1)/(2), a felony of the third (3<sup>rd</sup>) degree, for a term of two (2) years in the ODRC;
- Count 21, Having Weapons While Under Disability, R.C. 2923.13(A)(1)/(2), a felony of the third (3<sup>rd</sup>) degree, for a term of two (2) years in the ODRC;
- Count 22, Having Weapons While Under Disability, R.C. 2923.13(A)(1)/(2), a felony of the third (3<sup>rd</sup>) degree, for a term of two (2) years in the ODRC;
- Count 23, Identity Fraud, R.C. 2913.49(B)(1), a felony of the fifth (5<sup>th</sup>) degree for a sentence of One (1) year in the ODRC.



Pursuant to R.C. 2941.145, the Court orders that the mandatory three (3) year sentence(s) on Firearm Specifications as contained in Counts 10, 13 and 17 shall be served concurrently with each other, PRIOR to and CONSECUTIVELY to the sentence imposed in Count 10, for a mandatory term of **Three (3) years**.

The Court orders that the sentence imposed in Counts 10, 13,, 17, 19, 20, 21, 22 and 23 are to be served CONSECUTIVE to each other, and CONSECUTIVE with the mandatory sentence on the Firearm Specifications, for a total term of Thirty-six (36) years.

Pursuant to R.C. 2929.14(C)(4), the Court has decided that CONSECUTIVE sentences are necessary to protect the public from future crime or to punish the Defendant; and, CONSECUTIVE sentences are not disproportionate to the seriousness of the Defendant's conduct or to the danger the Defendant poses to the public.

The Court also finds the following:

- The Defendant committed one or more of the multiple offenses while awaiting trial or sentencing, or while under a sanction imposed pursuant to R.C. 2929.16, 2929.17, or 2929.18, or while under post-release control for a prior offense;
- 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 Defendant's conduct;
- The Defendant's history of criminal conduct demonstrates that consecutive sentences are necessary to protect the public from future crime by the Defendant.
- The consecutive sentence is not disproportionate to the seriousness of the Defendant's conduct, and to the danger the Defendant poses to the public;

As part of the sentence in this case on Counts 19, 20, 21 and 22, the Defendant **may be** supervised on post-release control by the Adult Parole Authority for a **discretionary** period of **up to 3 years** after being released from prison, as determined by the Adult Parole Authority.

As part of the sentence in this case on Counts 10, 13, and 17, the Defendant **shall** be supervised on post-release control by the Adult Parole Authority for a **mandatory** period of **5** years after being released from prison.

The Adult Parole Authority will administer the post-release control pursuant to R.C. 2967.28, and that any violation by the offender to the conditions of post-release control will subject the offender to the consequences set forth in that statute.

Pursuant to R.C. 2929.19, Defendant may not ingest or be injected with a drug of abuse and must submit to random drug testing. Further, the results of any drug test administered must indicate that Defendant did not ingest or was not injected with a drug of abuse.

The Court hereby ORDERS a sample of Defendant's DNA be collected pursuant to R.C. 2901.07.

The Defendant has the right to appeal or to seek leave to appeal this decision pursuant to R.C. 2953.08 within thirty (30) days of this Journal Entry. If applicable, the Defendant has a right to have a notice of appeal timely filed on his or her behalf. If the Defendant is unable to pay the cost of an appeal, the Defendant has the right to appeal without payment; upon Defendant's request, if the Defendant is unable to obtain counsel for an appeal, counsel will be appointed without cost; if the Defendant is unable to pay the costs of documents necessary to an appeal, the documents will be provided without cost.

Attorney Donald Hicks and Attorney Donald Gallick indicated their willingness to continue to serve as counsel for Defendant, and are hereby appointed to represent Defendant on appeal, and for any post-conviction motions that are pending or will be filed in the future.

A telephone conference with counsel is set for this matter on February 15, 2023 at 8:30 a.m. via the court's conference line.

IT IS SO ORDERED.



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JUDGE KELLY L. McLAUGHLIN

CC: ASSISTANT PROSECUTOR JACQUENETTE CORGAN  
ATTORNEY DONALD R. HICKS  
ATTORNEY DONALD GALLICK  
**Court Operations/Criminal Division**  
ODRC  
Registrar's Office

PEZ