

IN THE COURT OF COMMON PLEAS, FRANKLIN COUNTY, OHIO
CRIMINAL DIVISION

The State of Ohio, : Termination No. 5 By: KSW
Plaintiff, :
vs. : Case No. 98CR-4601
David L. Braden, : Judge Colleen O'Donnell
Defendant. :

AMENDED
JUDGMENT ENTRY
(Prison Imposed)

On May 11, 1999, the State of Ohio was represented by Assistant Prosecuting Attorneys Timothy K. Mitchell and Marla E. Hollander and Defendant was represented by Attorneys Thomas D. Beal and Phillip Lon Allen. The case was tried to a jury, which returned unanimous verdicts finding Defendant guilty of the following offenses: Count One of the Indictment, to wit: AGGRAVATED MURDER with death penalty and firearm specifications, and Count Two of the Indictment, to wit: AGGRAVATED MURDER with death penalty and firearm specifications.

On May 20, 1999, the jury having heard the mitigation evidence, the arguments of counsel, and the Court's instructions of law, returned unanimous verdicts finding beyond a reasonable doubt that the aggravating circumstances of which Defendant was found guilty outweighed the mitigating factors and recommended that Defendant be sentenced to death on both counts of aggravated murder with specifications.

On June 16, 1999, the Court imposed sentence upon Defendant. The State of Ohio was represented by Assistant Prosecuting Attorneys Marla E. Hollander and Timothy K. Mitchell, and Defendant was represented by Attorneys Thomas D. Beal and Phillip Lon Allen.

The Court afforded counsel an opportunity to speak on behalf of Defendant and addressed Defendant, personally affording him an opportunity to make a statement on his own behalf. Defendant declined to make an unsworn statement during the mitigation phase of the case and again declined to make a statement prior to sentencing.

The Court considered the mitigating factors requested by Defendant's counsel set forth in R.C. 2929.04(b)(3)(5) and (7), as well as the nature and circumstances of the offenses and the history, character, and background of the offender. After weighing the

aggravating circumstances against the mitigating factors, the Court found beyond a reasonable doubt that the aggravating circumstances outweighed the mitigating factors.

Accordingly, pursuant to R.C. 2929.03(D)(3), the Court accepted the recommendation of the jury and imposed the following sentence: Defendant was sentenced to Death as to Count One; and Defendant was sentenced to Death as to Count Two, with Counts One and Count Two to run consecutively. Defendant was ordered to serve an additional Three (3) years of actual incarceration for the firearm specifications as to Counts One and Two at the OHIO REHABILITATION AND CORRECTIONS. The firearm specifications were merged into one Three (3) year term for the purposes of sentencing. Defendant was further ORDERED to pay a fine in the amount of \$25,000.00 as to Count One and Count Two, for a total fine of \$50,000.00. The fine was to be paid to the Clerk of Courts of Franklin County, Ohio.

The Court found that Defendant had three hundred and seventeen (317) days of jail credit and certified the time to the Ohio Department of Corrections. Defendant was to receive jail time credit for all additional jail time served while awaiting transportation to the institution from the date of the imposition of this sentence.

Subsequently, on or about June 16, 2021, Defendant filed an unopposed Petition for Post-Conviction relief, pursuant to R.C. 2953.21.

Upon review of Defendant's June 16, 2021 Petition and R.C. 2929.025, and noting the State agrees with and does not oppose the relief requested therein, the Court GRANTED the Petition on or about June 17, 2021.

Accordingly, Defendant's death sentences on Counts One and Two are VACATED and Defendant is hereby RESENTENCED to LIFE WITHOUT PAROLE on both Counts.

IT IS SO ORDERED.

Signature Page Attached Hereto
Judge Colleen O'Donnell

Copies to all parties.

Franklin County Court of Common Pleas

Date: 06-23-2021
Case Title: STATE OF OHIO -VS- DAVID L BRADEN
Case Number: 98CR004601
Type: CORRECTED SENTENCE ENTRY

It Is So Ordered.

The image shows a handwritten signature in black ink that reads "Colleen O'Donnell". The signature is written over a circular blue seal. The seal contains the text "FRANKLIN COUNTY OHIO" around the top and "ALL THINGS ARE" around the bottom. The year "2003" is also visible on the seal.

/s/ Judge Colleen O'Donnell