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LYNN M. TODAR
CLERK OF COURTS
STARK COUNTY, OHIO

2022 FEB -3 AM 11:29

IN THE COURT OF COMMON PLEAS
STARK COUNTY, OHIO

STATE OF OHIO,

Plaintiff,

vs.

DAVID ALLEN SNEED,

Defendant.

CASE NO. 84-4515

JUDGE TARYN L. HEATH

JUDGMENT ENTRY

RESENTENCING

This day, January 31, 2022, the Defendant, DAVID ALLEN SNEED, was present via video link with the Ohio Department of Corrections, and his counsel, Alan Rossman, Assistant Federal Public Defender, ND OH, et al., were all present via video link. All parties acknowledged that they could see and hear the proceedings. The Defendant having heretofore been found guilty by jury on June 11, 1986, to the crimes of Aggravated Murder (with firearm specification and aggravated circumstances specification), 1 ct. [R.C. 2903.01 and 2941.141(A) and 2929.04(A)(7)] and Aggravated Robbery (with firearm specification), 1 ct. [R.C. 2911.01 and 2941.141(A) and 2929.71(A)] as charged in the Indictment, and having subsequently been sentenced to death on Count One and a prison term of not less than ten (10) years and no more than twenty-five (25) years on Count Two. Upon review of the circumstances

at the time of sentencing, the Court hereby finds that a sentence modification is warranted.

On July 27, 1986, 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 the Defendant was found guilty outweighed the mitigating factors and recommended that the Defendant be sentenced to death on count one of Aggravated Murder with specifications.

On July 30, 1986, 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 offense 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 and sentenced the defendant to Death.

Subsequently, on or about July 14, 2021, Defendant filed a 60(B) motion requesting relief from judgment. The State opposed said motion on August 3, 2021. On January 31, 2022, the Court held a hearing on the motion. At that time, Defendant orally moved to convert his motion to a post-conviction relief motion pursuant to R.C. 2953.21(A)(1)(a)(iv). The State agreed with and does not oppose said post-conviction relief motion. The Court found, by a preponderance of the evidence introduced during the hearing, that Defendant met the criteria for serious mental illness at the time of the crimes. The State of Ohio and the Defendant stipulated to the report by Dr. Tilley. Upon review

by the Court, the Court GRANTED said Petition on or about January 31, 2022, finding Defendant ineligible for the death penalty.

IT IS THEREFORE ORDERED, ADJUDGED AND DECREED that the Defendant's death sentence is VACATED and the Defendant is hereby re-sentenced to Life without parole on the charge of Aggravated Murder (with firearm specification and aggravated circumstances specification), 1 ct. [R.C. 2903.01 and 2941.141(A) and 2929.04(A)(7)], as contained in Count One of the Indictment, and

IT IS FURTHER ORDERED, ADJUDGED AND DECREED that the Defendant has served all of his sentence on the charge of Aggravated Robbery (with firearm specification), 1 ct. [R.C. 2911.01 and 2941.141(A) and 2929.71(A)], as contained in Count Two of the Indictment, and

Upon release from prison, the Defendant was advised that he is ordered to serve a mandatory minimum two (2) years of post-release control, up to a maximum of five (5) years, at the discretion of the Parole Board, pursuant to R.C. 2967.28. This period of post-release control was imposed as part of Defendant's criminal sentence at the sentencing hearing, pursuant to R.C. 2929.19 and includes a condition to successfully complete the Stark County Re-Entry Court if the Defendant resides in Stark County. If the Defendant violates the conditions of post-release control, the Defendant will be subject to an additional prison term of up to one-half of the stated prison term as otherwise determined by the Parole Board, pursuant to law. The Adult Parole Authority administers post-release control pursuant to R.C. 2967.28 and that

any violation by the offender of the conditions of post-release control will subject the offender to the consequences set forth in the statute.

If the Defendant commits another felony while subject to this period of control or supervision, the Defendant may be subject to an additional prison term consisting of the maximum period of unserved time remaining on post-release control as set out above or 12 months whichever is greater.

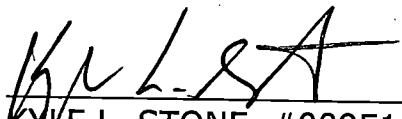
IT IS FURTHER ORDERED, ADJUDGED AND DECREED that this Defendant is entitled to jail time credit which has been previously calculated and forwarded to the institution, as well as any additional days spent in the Stark County jail in conjunction with this hearing. The Defendant is also entitled to credit for institution time previously served on this case.

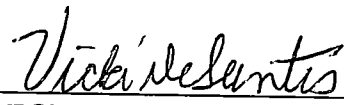
IT IS HEREIN ORDERED that the costs of prosecution are waived due to Defendant's indigent status.



JUDGE TARYN L. HEATH

APPROVED BY:



KYLE L. STONE, #0095140
PROSECUTING ATTORNEY

VICKI L. DESANTIS, #0075716
ASSISTANT PROSECUTING ATTORNEY