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FILED

IN THE COURT OF COMMON PLEAS
CUYAHOGA COUNTY, OHIO

2014 MAY -8 P 1:00

STATE OF OHIO)
)
 Plaintiff,)
)
 v.)
)
 HOSEA LOCK)
)
 Defendant.)
)

CASE NO. CR-13-577760
CLERK OF COURTS
CUYAHOGA COUNTY
JUDGE MICHAEL E JACKSON

DEFENDANT'S SENTENCING
MEMORANDUM

Now comes the defendant, Hosea Lock, by and through undersigned counsel, and respectfully requests this Honorable Court to consider as part of the defendant's allocution the within Sentencing Memorandum.

Respectfully Submitted,

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I. PRELIMINARY STATEMENT

This Sentencing Memorandum has been prepared by defense counsel and is submitted to the court on behalf of Hosea Lock who is scheduled for sentencing on May 21, 2014. Its purpose is multi-fold: to highlight the positive circumstances of Mr. Lock's life; to analyze his offense conduct in the context of Ohio's sentencing laws; and, to provide this court with meaningful mitigation favoring a community sanction.

II. PERSONAL BACKGROUND

Despite a past which is dotted by run-ins with the criminal justice system, Hosea Lock has done much to better himself and his station in life. Hosea is, first and foremost, a hard worker; he owns his own construction sub-contracting business, New Birth Construction, LLC.. Hosea's company does everything from masonry to painting to electrical work. He has recently worked on a major project for Energy Efficient installing the lighting fixtures in Home Depot stores. Hosea employs four (4) full-time employees. Additionally, Hosea often brings in men from the Cleveland City Mission and 2100 Lakeside Emergency Men's Center to work part-time during weekends for extra labor.

Notwithstanding Hosea's drug issues, he is a family man who has continued to strengthen connections with his family members. Hosea is the father of three (3) boys, aged nineteen (19), sixteen (16) and twelve (12). While his boys reside with their mother, Hosea's oldest child sees Hosea almost daily as he works with him. Hosea is on good terms with his ex-wife. Hosea attends the church where his ex-wife's mother is the minister. In the last few years, Hosea moved into a home with his elderly father who he helps support. Additionally, Hosea assists in the care of his 73-year-old mother who he recently placed in a senior-living apartment in Euclid,

Ohio. Hosea takes his mother to church every Sunday and drives her to doctor's appointments, juggling his work schedule.

As noted above, Hosea tries to better himself. He attends Elijah's Ministry every Sunday. He works with homeless shelters in the Greater Cleveland area to give homeless men temporary employment opportunities. Hosea is a good person who has battled drug addiction on and off for years. With the help of his church, he has worked towards maintaining a sober life. Unfortunately, Hosea has not always been successful.

In spite of all the positive steps Hosea has taken to steady his life, he recognizes that he has engaged in culpable activity which brings him before the Court. Hosea's drug addiction and desire to make quick money by trafficking has once again landed him in the cross-hairs of the criminal justice system. Hosea makes no excuses for his actions; he has been in a low place before and he knows that his only chance at getting back to normal is through his own self-betterment. Hosea is committed to moving forward and trying to correct his flaws.

III. LAW AND ARGUMENT

Revised Code Section 2929.11, embodying the purposes of all felony sentencing, is the starting point in fashioning an appropriate sentence. It requires consideration of two key principles:

- 1) The sentence shall be reasonably calculated to achieve the two overriding purposes of felony sentencing, which are to protect the public from future crime by the offender and others and to punish the offender.

AND

- 2) The sentence shall be commensurate with and not demeaning to the seriousness of the offender's conduct and its impact upon the victim.

Defense counsel proposes that an analysis of these factors, as more fully explained below, mitigate against the imposition of a prison sentence and suggests that a community control sanction with strong supervision components is warranted in this case.

Purposes of Felony Sentencing: Protection From and Punishment of the Offender

Seriousness of the Offense/Punishment of the Offender

There are nine factors in Revised Code Section 2929.12, which the court is directed to in determining whether Hosea's conduct constituting the offense was more serious than normal. None of the factors listed in R.C. Section 2929.12(B) are applicable in the present matter.

Conversely, there are two factors under R.C. Section 2929.12(C) suggesting that Hosea's conduct was less serious than conduct normally constituting the offense. Specifically, Hosea did not cause physical harm to any person or property. Further, Hosea has accepted responsibility and, without reservation or excuse, has manifested serious remorse. He is acting to prove his worthiness by simply walking the straight and narrow and not taxing the limited resources of the criminal justice system.

Protection from the Offender/Recidivism

In determining whether Hosea is likely to commit future crimes, and whether the public needs to be protected from them, the court is directed to the recidivism factors in Revised Code Section 2929.12(D) and (E).

Factor (4) under R.C. Section 2929.12(D) speaks to instances where "[t]he offender has demonstrated a pattern of drug or alcohol abuse that is related to the offense, and the offender refuses to acknowledge that the offender has demonstrated that pattern, or the offender refuses treatment for the drug or alcohol abuse." Clearly, there has been a pattern of drug activity present in Hosea's life. Nevertheless, Hosea does accept that he has drug dependency problems

and has often tried to take the easy route. Nearly a decade ago, Hosea sought drug treatment and successfully completed an outpatient drug treatment program. Nevertheless, he continues to struggle with his sobriety—Hosea is determined to work through these addictive tendencies and has tried to occupy his life with positive activities and people to fill the void; church has been particularly helpful since his arrest.

Additionally, there are several factors in 2929.12(E) that are applicable to Hosea's present situation. Hosea had lived a law-abiding life for sometime, he is regularly attending church, giving back to the community, participating in the rearing of his children and maintaining steady employment for himself and others. Additionally, Hosea shows sincere, genuine remorse for his conduct. Finally, while it could be argued that Hosea could easily relapse into drug behavior in the future, he is occupying his time with positive activities, associating with positive influences and working harder than ever to *legitimately* provide for his family. Thus, the circumstances surrounding this case are unlikely to occur. Finally, a structured community based supervision will facilitate law abiding conduct while still punishing.

Hosea has no words which can ameliorate the actions he has already taken. Possibilities for curing this wrong lie only in his continued self-improvement and abandoning his toxic conduct. None of the foregoing is an excuse for Hosea's actions not offered as one. Hosea has, in fact, made no excuses and has accepted responsibility for his conduct. Yet, it highlights the fact that the public does not need to be protected from Hosea and that the likelihood of his reoffending is minimal as he recognizes exactly how much he has to lose and how much he has to gain by being a law abiding citizen.

Still, an additional consideration in sentencing is the punishment Hosea deserves, which must be analyzed in conjunction with the second consideration under Ohio's felony sentencing

law. Specifically, the punishment be commensurate with and not demeaning to the seriousness of the offense and its impact upon the victim.

As highlighted above, the legislative factors suggest that Hosea's offense conduct was not more serious than conduct normally constituting the offense. Still, Hosea does not wish to demean the seriousness of drug offense conduct; drug abuse and drug dealing are cancers on our community which drain valuable resources and ruin families. Hosea understands this and does not shy away from taking responsibility for his actions.

Propriety of Punishment

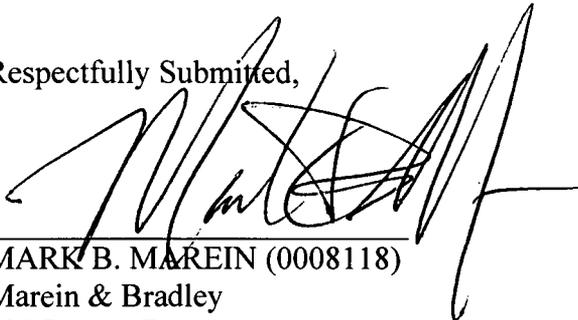
No one has ever suggested that Hosea is without either blame or responsibility - he bears both. The question remains: is a prison sentence necessary and consistent with the purposes and principles of sentencing? This question is answered in the negative having applied the relevant statutory criteria.

Hosea has an excellent job and operates a company which is really taking off. He has worked hard to build and maintain loving family relationships. He is an active member in his church and in the community. He recognizes that he has put all of this in jeopardy. Nevertheless, as previously stated, Hosea accepts full responsibility for his actions and is prepared to accept any sentence this court deems appropriate.

IV. CONCLUSION

In light of the foregoing, Hosea respectfully prays for a community sanction with any condition deemed appropriate by the court. Hosea promises to be fully compliant no matter what the conditions of supervision. Hosea will prove his worthiness to the Court.

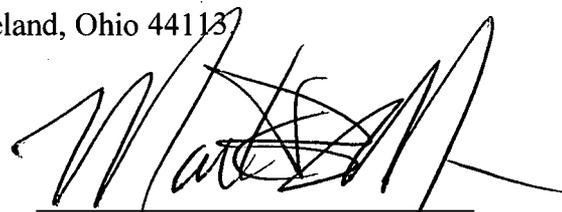
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CERTIFICATE OF SERVICE

A copy of the foregoing Sentencing Memorandum was delivered on this 7th day of
May, 2014 to Timothy J. McGinty, Cuyahoga County Prosecuting Attorney, 9th Floor Courts
Tower, Justice Center, 1200 Ontario Street, Cleveland, Ohio 44113.



MARK B. MAREIN (0008118)