



IN THE COURT OF COMMON PLEAS
CUYAHOGA COUNTY, OHIO

FILED

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STATE OF OHIO

Plaintiff

vs

MICHAEL MADISON

Defendant

CASE NO. CR 570589
CLERK OF COURTS
CUYAHOGA COUNTY
JUDGE NANCY R. McDONNELL

SENTENCING OPINION
ON MICHAEL MADISON

On May 12, 2016, the defendant was found guilty of Counts 1 and 2, the Aggravated Murder of Shetisha Sheeley, Counts 4 and 5, the Aggravated Murder of Angela H. Deskins and Counts 7 and 8, the Aggravated Murder of Shirellda Terry. Counts 1, 2, 4, 5, 7 and 8 each allege a Course of Conduct Specification as well as a Felony Murder Specification setting forth the offense of Kidnapping. In addition, Counts 7 and 8 further allege a second Felony Murder Specification for Rape. The Court merges Counts 1 and 2; Counts 4 and 5; and Counts 7 and 8 for purposes of sentencing. The State elected that the defendant be sentenced on Counts 1, 4 and 7, each alleging that the aggravated murders were committed with prior calculation and design.

The jury found that the State failed to prove beyond a reasonable doubt the firearm specifications attached to various counts of the Indictment.

The defendant was also convicted of kidnapping in Counts 3, 6 and 9 as to Shetisha Sheeley, Angela H. Deskins and Shirellda Terry respectively. Additionally, the defendant was found guilty in Count 10 of the rape of Shirellda Terry. Finally, the defendant was found guilty of Abuse of a Corpse as to Shetisha Sheeley, Angela H. Deskins and Shirellda Terry in Counts 12, 13 and 14.

The Having Weapons Under Disability charge in Count 11 and the Sexually Violent Predator Specifications in Counts 1 – 10 were tried to the Court after the defendant waived his right to a jury trial on those matters. The defendant was convicted of the Having Weapons Under Disability charge as well as the Sexually Violent Predator Specifications.

On May 19, 2016, the penalty phase began. As the defendant was found to be a Sexually Violent Predator, the only sentencing options are Life Without Parole and Death.

AGGRAVATED CIRCUMSTANCES

The aggravated circumstances which are to be weighed against the mitigating factors are as follows:

1. That the Aggravated Murder was part of a Course of Conduct involving the purposeful killing of or attempt to kill two or more persons, namely Shetisha Sheeley, Angela H. Deskins and Shirellda Terry.
2. That the offense at bar was committed, while the offender was committing, attempting to commit, or fleeing immediately after committing or attempting to commit Kidnapping and either the offender was the principal offender in the commission of the Aggravated Murder or, if not the principal offender, committed the Aggravated Murder with prior calculation and design.
3. As to Count 7 only, that the offense at bar was committed while the offender was committing, attempting to commit, or fleeing immediately after committing or attempting to commit Rape, and either the offender was

the principal offender in the commission of the Aggravated Murder or, if not the principal offender, committed the Aggravated Murder with prior calculation and design.

A. Course of Conduct.

The evidence demonstrated that Shetisha Sheeley, Angela H. Deskins and Shirellda Terry were all murdered by the defendant as part of a Course of Conduct spanning the time period from September 25, 2012 through July 10, 2013. All three women were found in close proximity to defendant's apartment. Shirellda Terry was discovered in the defendant's garage, Shetisha Sheeley in an adjacent field and Angela H. Deskins in the basement of an abandoned house neighboring defendant's apartment building. In fact, the location of the remains of all 3 victims were visible from defendant's back porch. Shetisha Sheeley and Angela H. Deskins died by means of strangulation and Shirellda Terry by homicidal violence by unspecified means. Each woman was folded in half and bound. Each woman was nude from the waist down. Each woman was discovered in multiple layers of heavy construction bags. Each bag was criss-crossed with duct tape. All of the above makes clear that the purposeful killing of Shetisha Sheeley, Angela H. Deskins and Shirellda Terry were part of a course of conduct by the defendant. This aggravated circumstance is afforded great weight.

B. Felony Murder Specification – Kidnapping.

The evidence established that the aggravated murders were committed while the defendant was committing the offense of Kidnapping and the defendant was the principal offender and committed the offense with prior calculation and design.

There was absolutely no evidence introduced that anyone other than the defendant was involved in the deaths of Shetisha Sheeley, Angela H. Deskins and Shirellda Terry. Furthermore, the element of prior calculation and design is obvious from the facts. First, the accused knew all three victims. Next, the defendant gave thought to his actions by choosing both the site, his apartment, and the means. Thirdly, the aggravated murders were not spontaneous fits of rage. He lured all three back to the privacy of his apartment where he would end their lives and then painstakingly prepare and dispose of their bodies. Most importantly, the acts were drawn out. Dr. Timm, of the coroner's office, testified it takes three to five minutes to strangle a human to death and may take longer if the victim is struggling.

As to the Kidnappings themselves, with regard to Shetisha Sheeley, testimony revealed the defendant and she met at the Honey Do Bar, and he deceptively invited her back to his apartment possibly for paid sexual services. The defendant struck her on her face as was documented in the autopsy. The defendant himself admitted Shetisha Sheeley tried to leave, but he would not let her and at that time he choked her. Clearly, she was restrained of her liberty.

As to Angela H. Deskins, phone records show communications between the defendant in the weeks leading up to her death. The last call on Angela H. Deskins' phone was with the defendant. Angela H. Deskins was never heard from again. Much like Shetisha Sheeley, the defendant lured this victim to his home with the intent to kill. And like Shetisha Sheeley, he

choked Angela H. Deskins in an act which took significant time and force restraining her of her liberty.

Turning to the Kidnapping of Shirelda Terry, numerous text messages were presented confirming an ongoing conversation between the 35-year old defendant and the 18-year old victim.

The two met while walking in East Cleveland. The defendant deceived Shirelda Terry into believing a number of untruths about himself. He said he was 25, had a job working on houses and had no children. In fact, the defendant was 35, had two children and his only source of income was dealing drugs. These lies were an attempt to deceive Shirelda Terry. The defendant wanted Shirelda Terry to come to his house, but she cautiously declined. On a day they were to meet in public, it was raining. He then deceptively lured her into his apartment where he killed her by homicidal violence of unspecified means.

The aggravated circumstance of Felony Murder – Kidnapping as to all three women carries great weight.

C. Felony Murder Specification – Rape.

Evidence proved that the Aggravated Murder of Shirelda Terry was committed while the defendant was committing the offense of Rape and that the defendant was the principal offender and committed the offense with prior calculation and design.

The evidence of principal offender and prior calculation and design were analyzed in Part “B” above and the same conclusion can be made herein.

As to the Rape, Dr. Timm of the County Coroner’s Office testified that a gaping slash from Shirelda Terry’s vagina to her anus was noted upon autopsy. Dr. Timm was able to opine that the

instrumentality was used while the victim was still alive. Photos depicting the injury were admitted. The Aggravated Circumstance of Felony Murder – Rape carries great weight.

MITIGATING FACTORS

The defendant, in his case, introduced some exhibits as well as the testimony of forensic psychologists Dr. David L. Davis, Dr. Mark Cunningham and James Aiken, a prison expert. The State presented Dr. Steven Pitts in rebuttal.

The Court considered all of the mitigating factors presented at both the trial and penalty phases. The Court did not limit its consideration to the specific mitigating factors argued. Rather, the Court considered any and all other mitigating factors which were supported by the evidence that weighed in favor of Life without Parole. The Court did not find anything mitigating in the nature and circumstances of the Aggravated Murders.

A. Relationship with Children.

At the conclusion of the penalty phase in defendant's closing argument two photographs were shown of the defendant with two children. There was no testimony concerning these pictures, and they were not sought to be admitted. There was minimal testimony concerning defendant's interaction with his children during either phase. This factor is given no weight.

B. Adaptability to Prison.

James Aiken, a prison expert with considerable experience in Corrections, was called by the defense at the Mitigation Phase. He indicated that the defendant's risk of danger to himself, inmates and staff are extremely low based on an assessment of numerous factors. Mr. Aiken further testified the defendant would most likely adapt well to prison and could in some way lead a productive life. This mitigating factor is accorded minimal weight.

C. Substance Abuse.

Next, the defense raised the defendant's substance abuse as a mitigatory factor. At the outset, no reliable evidence was introduced that the defendant was under the influence of either alcohol or any illicit substance at the time of the Aggravated Murder of Shetisha Sheeley, Angela H. Deskins and Shirellda Terry. Defendant's claims of substance abuse professed at the very lengthy audiotaped interview with the police seems feigned and contrived to absolve himself of any responsibility. The evidence leading up to the last killing, that of Shirellda Terry, shows text messages with a number of women with whom he was able to maintain relationships unbeknownst to the others. Additionally, when the defendant learned the police were conducting an investigation at his apartment in the days after the Aggravated Murders and upon discovery of the body of Shirellda Terry, he was able to operate a motor vehicle and devise a plan to hide at his mother's house. During the lengthy videotaped interrogations by both the East Cleveland and Cleveland Police Departments, there were no signs of withdrawal.

As relates to all three women, the defendant had the presence of mind to carefully and methodically dispose of their bodies to prevent detection. This contradicts any suggestion that the defendant was significantly impaired.

Evidence was introduced that the defendant abused drugs, primarily marijuana and alcohol. This mitigatory factor is entitled to some very slight weight.

D. Defendant's Background and Childhood.

The defense presented the testimony of Dr. James Davis and Dr. Mark Cunningham to explain the defendant's conduct as a result of his background and childhood. The toxic culture of defendant's upbringing is undeniable. The record is replete with instances of emotional and physical abuse of the defendant by his own mother and her various partners and love interests. He was abandoned by his father.

The Department of Children and Family Services became involved with the family. Subsequently, while the defendant was very young, inadequate measures were taken to protect the defendant and his brother. He was irresponsibly permitted to live with family members who exposed him to inappropriate sexual behaviors and lifestyles.

Dr. Cunningham testified that all of the negative experiences of his childhood caused a foregone trajectory leading up to the murders. However, Dr. Cunningham further testified that this in no way excuses his conduct but rather explains his actions. Dr. Cunningham also spent a considerable amount of time discussing the intergenerational dysfunction of the defendant's family.

The family has been riddled with substance abuse; physical, emotional and perhaps sexual abuse; unstable living conditions; and lack of caring and empathy.

Dr. Steven Pitts testified in rebuttal of Dr. Cunningham. While he agreed that there was abuse and dysfunction, he did not subscribe to a foregone trajectory necessarily resulting in the aggravated murders of the three victims. As to the intergenerational dysfunction, Dr. Pitts opined there is no hereditary component to murder.

The mitigation factor relating to the defendant's background and childhood is given greater weight than the other factors, but it is not given great weight.

In weighing the aggravated circumstance against the mitigating factors the other offenses of which the defendant was convicted were not considered. The mitigating factors were weighed both singularly and cumulatively.

Upon consideration of the relevant evidence, testimony and exhibits admitted in mitigation, it is the judgment of this Court that the aggravating circumstances of Course of Conduct, Felony Murder – Kidnapping and Felony Murder – Rape, of which the defendant was convicted outweigh the mitigating factors by proof beyond a reasonable doubt.

Accordingly, the Sentence of Death is imposed upon the defendant Michael Madison on Counts 1, 4 and 7.



NANCY R. McDONNELL, JUDGE

Date: June 8, 2016

Copy to: Timothy J. McGinty, Cuyahoga County Prosecutor
David Grant, Esq.
Mary Cay Tylee, Esq.