

IN THE COURT OF COMMON PLEAS
FRANKLIN COUNTY OHIO
CRIMINAL DIVISION

FILED
COMMON PLEAS COURT
FRANKLIN CO. OHIO
2010 SEP 14 PM 2:22
CLERK OF COURTS

STATE OF OHIO,
Plaintiff,

-vs-

CASE NO. 10 CR 234

JUDGE SHEWARD

JONATHAN BEER
Defendant.

SENTENCING MEMORANDUM FOR JONATHAN BEER

Now comes Defendant, Jonathan Beer, through counsel, and hereby submits the following Sentencing Memorandum in support of a sentence that is sufficient, but not greater than necessary to comply with the purposes of Senate Bill 2.

Jonathan Beer was born on March 5, 1992, an only child of Robin and Janine Beer (Bowers). His parents met while serving in the Air force. They remained married for only three (3) years before divorcing. His mother then married Stephen Thompson and together they had three (3) additional children, of which the victim, Emily, is one. The relationship between Janine and Stephen proved to be the longest of her four (4) marriages. Stephen was very strict, and believed in physical discipline. Almost weekly, Jonathan endured paddling with a two-foot long wooden paddle. His mother did nothing to stop it, believing that Stephen was the head of the household, and therefore, permitted to punish Jonathan for any perceived transgression.

Throughout his early childhood, Jonathan was placed in daycare for almost twelve (12) hours a day. Even when his mother had a day off, or left work early, Jonathan remained at the day care until the

last possible moment. At home, Jonathan slept in an unfinished basement while the other children slept upstairs.

The family moved frequently. To date, Jonathan has lived in over fifteen (15) different places. As a result of this, Jonathan has no "lifelong" friends. His relationship with his mother is very strained. At the age of 13, Jonathan moved in with his father. By that time, Robin had remarried. His wife Debbie has almost nothing to do with him, often ignoring him completely. Several days go by without conversation between Jonathan and Debbie.

Robin works as a correctional officer at London Correctional. He loves Jonathan very much, but has difficulty relating to him. As a younger man, Robin worked hard to be a good athlete. He played sports in school. Jonathan, on the other hand, is not very athletic. He does not go to games with his father. He does not watch games on TV either. Jonathan is more mechanical. He likes to invent things, and works well with his hands.

Robin is caught in a difficult position between his wife, Debbie, and his son Jonathan. Because of this stress, he drinks more than he should. This results in him becoming angry, and he often yells at Jonathan. Jonathan has reported that he is embarrassed to invite what few friends he has to his house because of this behavior.

Jonathan's mother does not have a relationship with her family. Consequently, Jonathan does not really know his grandparents on her side. Robin's father and stepmother (Roland and Sandra Jones) are involved in Jonathan's life. He spends most summers with them, as well as many weekends. They are familiar with Jonathan's situation and support him 100 percent. They take him on trips with them, and counsel him as if they were his parents.

Jonathan has never had a girlfriend. Jonathan has never had a date. One of the reasons for this is that he is shy with women. Although he is interested in women, he has not had the chance to have a mature relationship. Jonathan does not drive. He does not have the ability, at this time, to take someone on a date. He is also not employed. Therefore, he cannot afford to take someone on a date.

Physically, Jonathan was born with a birth defect. One of his Achilles tendons is too short. As a result, Jonathan did not walk until he was sixteen (16) months old. Even then, he walked on his toes. After much urging, his mother took him to get surgery at the age of five. Physical therapy was recommended, but Jonathan was not taken. He was in a cast for several months. He has always had difficulty walking, and he was made fun of at school constantly.

Jonathan attends the South West Career Center. He is in a two (2) year program studying engineering. He has recently been elected President of his engineering class. He is working on his senior project, attempting to invent a battery that does not lose its charge as quickly as the current ones. If he does not complete this program, he will have to start from the beginning.

He attended Westland High School for ninth and tenth grade, achieving average grades. Before that, he was in the Cyprus Christian School.

Jonathan is currently 18 years old. The event that is the subject of this indictment occurred between March 10th and March 12th, 2010. This is five (5) to seven (7) days after Jonathan turned eighteen (18). If this event had occurred one week earlier, it is probable that Jonathan would have been prosecuted in the juvenile court system. He would likely be required to attend counseling. It is doubtful that he would have been incarcerated at all.

When a child who is sixteen or seventeen years old acts with the capacity of an adult in committing a serious crime, the law allows for the court to bind that person over to the adult court to be treated like an adult. However, when a young man who is barely eighteen years old acts with the capacity and naiveté of a younger child, the law does not nicely take that into consideration. We are not allowed to send him to juvenile court despite the fact that it might be more appropriate.

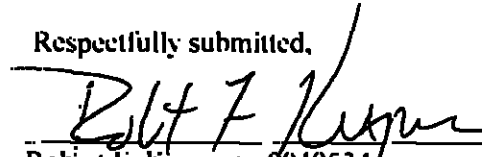
In this case, the difficulty is in determining whether Jonathan's actions were those of an immature child "exploring", or "playing doctor" or the actions of one who is attracted to younger children, a pedophile.

There is nothing in Jonathan's history to lead us to believe that he is a pedophile. Nor is the any history to lead us to conclude that he will re-offend. Jonathan has no prior record. He was barely 18 years old when this happened. He has not had the opportunity to mature in social matters as others his age, nor is he experienced in relationships with women. We are all aware that people mature at different rates. Jonathan's pace is well behind that of his contemporaries.

Jonathan realizes the seriousness of his offense. He is embarrassed and ashamed. He wishes to convey his apology to Emily and her family.

We respectfully ask this Court to consider a period or community control with sexual offender counseling. That sentence is adequate to sufficiently punish Jonathan for his actions, as well as to protect the public.

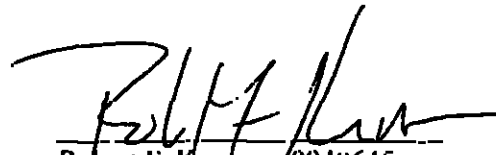
Respectfully submitted,



Robert F. Krapene 0040534
Attorney for the Defendant

CERTIFICATE OF SERVICE

I hereby certify that a true and accurate copy of the foregoing motion was personally served on The Franklin County Prosecuting Attorney's Office at 373 South High Street, 14th Floor, Columbus, Ohio 43215 on this 14th day of September, 2010.



Robert F. Krapene 0040645
Attorney for Defendant