

**Judge Kimbler Sentences Cleland for Aggravated Murder,**  
**by Kate Feeks, Courthouse Reporter for CZ Court Reporter at**  
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Shaun Cleland Leaving Judge Kimbler's Courtroom

Judge James Kimbler sentenced Shaun Cleland to life in prison, with parole eligibility at 30 years for the aggravated murder of David Heinrich, 19 years old of Brunswick. Heinrich was the boyfriend of Cleland's estranged wife, Christina Eichelberger.

Judge Kimbler also sentenced Mr. Cleland to five years in prison for the aggravated burglary of Heinrich's apartment and five years in prison for the kidnapping of Mr. Heinrich. Those sentences are to be served concurrently with each other, but consecutive to the life sentence for the aggravated

murder. As a result of Kimbler's sentence, Cleland will serve a minimum of 35 years in prison.

Cleland was previously sentenced to life in prison with parole eligibility in twenty eight years. The conviction was reversed because Medina County Common Pleas Judge James Kimbler failed to tell Cleland of the mandatory five years of post-release control following his release from prison for the charges of aggravated burglary and kidnapping. In reversing Cleland's conviction, the Ninth District Court of Appeals cited a decision of the Ohio Supreme Court that came out after Cleland was originally sentenced.

Cleland's conviction, last month, followed a two week trial. A jury found Cleland guilty on three counts of aggravated murder, two counts of murder, one count of aggravated burglary and one count of kidnapping.

Kimbler justified his new sentence due to facts that were unknown to him at the time of the original sentence, including the fact that the testimony of Cleland at trial was "totally unbelievable." Cleland's defense was based on a story that a masked man kidnapped, tied him up and forced him to watch the murder. Cleland claimed the masked man threatened to hurt his niece if he went to police.

Medina County Prosecutor Dean Holman argues for an increased sentence at Thursday's hearing. Holman reminded the court that the evidence admitted at trial showed that the murder was premeditated, that Cleland displayed no remorse for the victim's suffering, and that his lack of remorse was shown by his placing a cell phone call to a new girlfriend within approximately two hours of the murder.

In arguing that the evidence showed Cleland's prior calculation and design, Holman pointed to the following: Cleland showing up twice at Heinrich's apartment that he shared with Eichelberger on the day of the murder; Cleland purchasing materials at a store in Brunswick which Holman argued were used in the commission of the offense; his setting up the murder scene to look as if it were a suicide; and Cleland's DNA on cigarettes found at the murder scene, indicating that Cleland was in the apartment for some time prior to the murder.

"There was evidence that the victim suffered during the strangulation" Medina County Prosecutor Dean Holman said, citing the testimony of the Cuyahoga Coroner who performed the autopsy on Heinrich's body.

Members of Heinrich's family were in the courtroom for the sentencing, but declined an opportunity to speak. When asked by Kimbler if he wanted to make a statement in mitigation, Cleland simply replied "No, Your Honor."

Cleland was given credit for time served from October 1, 2005