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Judge adds week of jail to sentence of former OU student

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Timothy Zureick during a court appearance in April.

NEWS file photo.

Athens County Common Pleas Judge L. Alan Goldsberry took the somewhat unusual step Tuesday of departing from the terms of a plea agreement, in the case of a former Ohio University student convicted earlier this year of forging signatures on a statewide ballot petition.

While the defense and prosecution both were willing to see defendant Timothy N. Zureick, 22, get only probation for his crimes, the judge tacked on a week in jail, to impress on Zureick the gravity of his actions.

Goldsberry said he decided to impose the short jail term – which Zureick will be allowed to serve in partial allotments over the next six months – "because of the severity of the situation, even though it may not have been perceived by Mr. Zureick as severe."

Zureick's attorney, assistant Ohio public defender Jennifer Baughman, noted that Zureick has already served three days in jail, following his arrest in August 2012. She asked if this time might be subtracted from the week in jail imposed by Goldsberry, but the judge rejected this suggestion.

"I was considering making it 10 days jail time, but I made it only seven," he noted.

Goldsberry said Zureick can serve his incarceration in the Southeastern Ohio Regional Jail in Nelsonville, or in some other jail in the state nearer his current residence. Zureick must pay per diem expenses of \$25 per day for his time in the local jail, the judge said, and if he does his time in an out-of-county jail, "he has to hold Athens County harmless for any expenses for that."

In April, Zureick pleaded guilty to an indictment charging him with 22 counts of false signatures, and one count of election falsification, all fifth-degree felonies, the lowest level.

The former OU student, who left OU in 2010, had been working for a national canvassing organization, collecting signatures on a petition to get a measure on the state ballot to change the way Ohio draws political district lines. He forged 22 signatures on the petition – the basis for the false signature charges – and signed his own name on it with a false address – the basis for the falsification count. The canvassing organization was not implicated in his crimes.

As part of a plea agreement worked out by the Athens County Prosecutor's office and the Public Defender, the prosecutor's office agreed to ask for sentence of five years probation, with no prison time.



The potential maximum sentence in his case was a year in prison and a \$2,500 fine on each count, for a total of 23 years and \$57,500; any prison time at all, however, would have been a highly unusual outcome, because he is a first offender and all his offenses were the lowest-level felonies.

The prosecutor's office did ask for, and got, an underlying five-year prison sentence, which could be imposed if Zureick does anything to seriously violate his probation terms.

Goldsberry warned him that such a serious violation could include any commission of serious criminal offenses, which the judge noted could include even some misdemeanors such as drunk driving.

The judge also ordered Zureick to pay all court costs within 60 days, and to perform 100 hours of community service within the first 24 months of his community control.

Baughman suggested that had the defense chosen to go to trial, "I think there's a significant argument that the offenses (in Zureick's indictment) were possibly allied offenses," meaning that the sentences on them could not have been "stacked" or run consecutively. However, she added, both sides agreed on the plea bargain.

After Zureick pleaded in April, Goldsberry scheduled his sentencing for Tuesday – more than nine weeks later – to allow time for a pre-sentence investigation and report. However, the judge noted, due to unforeseen circumstances including the expiration of a grant, that report didn't get done on time. Noting, "It's not Mr. Zureick's fault that it didn't get completed," Goldsberry said the parties decided to proceed with the sentencing on schedule, and prepare a post-sentence rather than a pre-sentence report.

Zureick, offered a chance to speak before sentence was passed, declined to say anything.

