

IN THE COMMON PLEAS COURT OF TEST COUNTY, OHIO
THE HONORABLE JUDGE WILL DAVIES PRESIDING

STATE OF OHIO :
Plaintiff, : CASE NO. 23 CR 0623
v. :
JOE MEATBALL : **UNIFORM SENTENCING ENTRY**
Defendant. :

This case came before the Court on June 23, 2023 for sentencing pursuant to R.C. 2929.19.

The defendant was present in the courtroom.

Counsel for the defendant Toki Clark, was present.

The State of Ohio, as represented by Ian Jones, was present.

The proceedings were recorded by Example court reporter.

The Victim was present at the hearing and was given the opportunity to be heard.

The Court gave defense counsel an opportunity to speak and present mitigation on the defendant's behalf, personally addressed the defendant, and provided the defendant an opportunity for allocution.

The Court gave the prosecuting attorney an opportunity to address the court.

Having considered all statements in mitigation as well as the statements of the parties, any presentence investigation, any victim impact statement and/or other statement from the victim or victim's representative, as well as the principles and purposes of sentencing in R.C. 2929.11, the seriousness and recidivism factors in R.C. 2929.12, and all other relevant sentencing statutes, the Court pronounced sentence on the defendant as follows.

CONVICTION & FINDINGS

The Court finds that the defendant was found guilty of the following:

Instrument- Type	Count	Offense	Offense Level	Disposition	Date (M/D/Y)
IND	1	2911.11(A)(1) - Aggravated Burglary - inflicting physical harm.	F1	Guilty Plea	06/23/2023
IND	2	2911.11(A)(1) - Aggravated Burglary - inflicting physical harm.	F1	Guilty Plea	06/23/2023

In fashioning the sentences in this case, the Court has considered the need to protect the public from future crime by the defendant and others, to punish the defendant, and to promote the defendant's effective rehabilitation while using the minimum sanctions to accomplish those purposes without imposing an unnecessary burden on state or local government resources. This includes the need for incapacitation, deterrence, rehabilitation of the defendant, and restitution to the victim and/or the public. This sentence is commensurate with, and not demeaning to, the seriousness of the

defendant's conduct and its impact on the victim, consistent with sentences for similar crimes by similar offenders, and is in no way based on the defendant's race, ethnicity, gender, or religion.

The Court has weighed the following R.C. 2929.12 seriousness and recidivism factors in imposing the sentence in this case and believes this conduct is more serious than that normally constituting the offense because:

- The injuries caused in this case were exacerbated by victim's physical or mental condition or their age.
- The victims suffered serious physical, psychological, or economic harm.

The Court believes the defendant is more likely to commit future crimes as:

- The defendant has not responded favorably to sanctions previously imposed in adult or juvenile court.
- The defendant has a history of criminal convictions or juvenile delinquency adjudications.

There is a presumption in favor of a prison sentence on counts 1 and 2.

The Court finds on counts 1 and 2 the presumption is not overcome and that a community control sanction or combination of community control sanctions will not adequately punish defendant and protect the public from future crime because the applicable factors under R.C. 2929.12 indicating a lesser likelihood of recidivism do not outweigh the applicable factors indicating a greater likelihood of recidivism, and would demean the seriousness of the offense because one or more factors under R.C. 2929.12 indicating that the defendant's conduct was more serious than conduct normally constituting the offense and outweigh the factors indicating the conduct was less serious than conduct normally constituting the offense.

Pursuant to R.C. 2929.14(C)(4) the Court orders that consecutive sentences are made necessary to protect the public from future crime or to punish the defendant, and that consecutive sentences are not disproportionate to the seriousness of the defendant's conduct and to the danger the defendant poses to the public, and because:

- The defendant's history of criminal conduct demonstrates that consecutive sentences are necessary to protect the public from future crime by the defendant.

SENTENCE

The Court hereby imposes the following sentence:

Count #	Sentence	Length of Term	Mandatory	Concurrently W/	Consecutively W/
1	minimum term	8 years	No		2
2	minimum term	6 years	No		1

Aggregate Minimum Term: 14 years

Maximum Term: 18 years

Counts 1 and 2 are qualifying offenses subject to indefinite sentencing and the defendant has been sentenced to a minimum term on each qualifying count as detailed above.

Pursuant to R.C. 2929.19(B)(2)(c), having imposed a non-life felony indefinite prison term, the Court advised the defendant on the record of the indefinite sentencing procedures. The Court explained on the record that: (i) It is rebuttably presumed that the offender will be released from service of the sentence on the expiration of the minimum prison term imposed as part of the sentence or on the offender's presumptive earned early release date (if applicable), as defined in R.C. 2967.271,

whichever is earlier; (ii) That the department of rehabilitation and correction may rebut the presumption described in R.C. 2929.19(B)(2)(c)(i) if, at a hearing held under R.C. 2967.271, the department makes specified determinations regarding the offender's conduct while confined, the offender's rehabilitation, the offender's threat to society, the offender's restrictive housing, if any, while confined, and the offender's security classification; (iii) That if, as described in R.C. 2929.19(B)(2)(c)(ii), the department at the hearing makes the specified determinations and rebuts the presumption, the department may maintain the offender's incarceration after the expiration of that minimum term or after that presumptive earned early release date for the length of time the department determines to be reasonable, subject to the limitation specified in R.C. 2967.271; (iv) That the department may make the specified determinations and maintain the offender's incarceration under the provisions described in R.C. 2929.19(B)(2)(c)(i) and (ii) more than one time, subject to the limitation specified in R.C. 2967.271; (v) That if the offender has not been released prior to the expiration of the offender's maximum prison term imposed as part of the sentence, the offender must be released upon the expiration of that term.

As a result of the conviction for:

A Felony of the First Degree in counts 1 and 2 the defendant will be subject to a minimum 2-year term of post-release control, up to a maximum of 5 years.

Upon release from prison, the defendant will be supervised for the period of supervision which expires last. All periods of post-release control run concurrently.

The Adult Parole Authority will administer post-release control pursuant to R.C. 2967.28, and the defendant has been advised that if the defendant violates post-release control, the Parole Board may impose a prison term as part of the sentence of up to half of the stated prison term or stated minimum term originally imposed upon the defendant in nine-month increments. If, during the period of the releasee's post-release control, the releasee serves as a post-release control sanction the maximum prison time available as a sanction, the post-release control shall terminate. If while on post-release control the defendant is convicted of a new felony, the sentencing court will have authority to terminate the post-release control and order a consecutive prison term of up to the greater of twelve months or the remaining period of post-release control.

Upon the record before the Court and any evidence presented, and having considered the defendant's present and future ability to pay, the Court orders that the costs of prosecution and any jury fees in this case shall be waived.

Upon the record before the Court and any evidence presented, and having considered the defendant's present and future ability to pay, the Court will not order a fine in this case.

The defendant is remanded to the custody of the Test County Sheriff to await transport to the Ohio Department of Rehabilitation and Correction (ODRC). The Clerk of Courts shall issue a warrant directed to the Sheriff of Test County, Ohio, to convey the said Defendant to the custody of ODRC.

The parties have stipulated to one hundred eighty-five (185) days of jail time credit on this case.

If the defendant has not yet submitted a DNA sample as required by R.C. 2901.07, the defendant is ordered to report to Test County Sherriff to provide that sample within twenty-four hours.

If the defendant has not yet been fingerprinted in this case as required by R.C. 2301.10, the defendant is ordered to report to Test County Sheriff and to be fingerprinted within twenty-four hours.

All necessary information regarding the final disposition and orders made in this case will be reported to the Ohio Bureau of Criminal Investigation and Identification and/or the Law Enforcement Automated Data System.

Defendant was informed of the defendant's disability to own or possess a firearm based on the conviction for a felony offense of violence or a felony drug offense pursuant to R.C. 2923.14.

The Court informed the Defendant that under federal law, a person convicted of a felony cannot lawfully possess a firearm pursuant to 18 U.S.C. 922(g)(1).

The defendant was notified of rights to appeal per Crim.R. 32 as well as the defendant's right to have counsel appointed for them and a transcript of all proceedings provided to them at no cost if the defendant is determined to be indigent and unable to afford counsel.

The defendant having indicated the defendant's desire to appeal this case, the Court hereby appoints Michael Morgan to represent the defendant on appeal.

The Court hereby denies the defendant's request for stay of execution of the sentence in this case.

IT IS SO ORDERED.

JUDGE: _____

DATE: _____

IN THE COMMON PLEAS COURT OF TEST COUNTY, OHIO
THE HONORABLE JUDGE TEST 1 JUDGE PRESIDING

STATE OF OHIO :
 Plaintiff, : CASE NO. B/23/0001
 v. :
 JOHN M. DOE : **DISPOSITION FORM - PLEA ENTRY**
 Defendant. :

Count #	Offense	Offense Level	Specification
1	2913.02(A)(1) - Theft without consent of owner	F5	

This case came before the Court on June 23, 2023 for a plea hearing.

The defendant was present in the courtroom.

Counsel for the defendant Albert Johnson, was present.

The State of Ohio, as represented by Mike Smith, was present.

The proceedings were recorded by digital system.

The Victim(s) was/were present at the hearing and was/were given the opportunity to be heard.

Defense counsel attested to having reviewed the facts and law of the case and informing the defendant of the defendant's constitutional and statutory rights and any potential defenses. The defendant indicated the defendant was not under the influence of drugs or alcohol, was not taking any prescription medications which would affect the defendant's ability to understand the nature of the proceedings, and that the defendant was completely satisfied with the legal representation and advice received from defense counsel. The defendant then stated the defendant wished to withdraw the previously entered general plea of "Not Guilty" and enter a plea of guilty to:

Count #	Offense	Offense Level	Maximum Penalty	Prison Mandatory	Prison Presumption	Registration Offense
1	2913.02(A)(1) - Theft without consent of owner	F5	12 months	No	No	No

The Court explained, and the defendant understood that the guilty plea(s) to the crime(s) specified constitute(s) both an admission of guilt and a waiver of any and all constitutional, statutory, or factual defenses, and that by pleading "Guilty", the defendant waived a number of substantial and important constitutional, statutory and procedural rights, which include, but are not limited to, the right to a trial including trial by jury, the right to confront witnesses against the defendant, the right to have compulsory subpoena process for obtaining witnesses in the defendant's favor, the right to require the State to prove the defendant's guilt beyond a reasonable doubt on each crime herein charged at a trial at which the defendant cannot be compelled to testify against the defendant, the right to present any applicable defenses, and the right to appeal the verdict and rulings of the Court made before or during the trial, should those rulings or the verdict be against the defendant's interests.

The Court explained, and the defendant acknowledged, that it may impose community control sanctions upon the defendant, and that if the defendant violated any condition of such community control sanctions, the Court may extend, up to five years, the time for which the defendant was subject to community control sanctions, impose more restrictive sanctions, or imprison the defendant for up to the maximum term(s) allowed for the corresponding offense(s) as set forth above.

Offense Level	Post-Release Control Period
F5	Up to Two Years – Optional

The Court explained, and the defendant acknowledged the applicable post-release control obligations on each count as listed in the chart above, and that in the case of multiple offenses, only the longest single term of post-release control will be imposed for the case, pursuant to R.C. 2967.28(G). The Adult Parole Authority will administer the post-release control pursuant to R.C. 2967.28, and that any violation of a post-release control condition could result in more restrictive non-prison sanctions, a longer period of supervision or control up to a specified maximum, and/or reimprisonment for up to nine months at a time. The prison term(s) for all post-release control violations may not exceed one-half of the prison term originally imposed. If any violation of post-release control constitutes a felony, the defendant may be prosecuted, convicted, and sentenced on that new felony. The court in that new felony case may terminate the term of post-release control in this case and either: (1) in addition to any prison term imposed for the new felony, impose a consecutive prison term for the post-release control violation of either 12 months or the amount of time left on post-release control, whichever is greater, or (2) impose community control sanctions for the post-release control violation to be served concurrently or consecutively to any community control sanctions imposed for the new felony.

Offense Level	Potential Fine
Felony - F5	not more than \$2500

The Court informed the defendant of the potential fine on each count, that the defendant will be responsible for the costs of prosecution and may also be required to pay restitution, fines, and/or costs of all sanctions imposed on each count, and that imposition of financial sanctions would constitute a civil judgment against the defendant.

The defendant is a citizen of the United States of America.

I, the undersigned defendant, being of competent mind and not under the influence of any substance that could impair or influence my judgment, understand that the Court upon acceptance of my plea of **guilty** may proceed with judgment and sentence. I hereby assert that no person has threatened me, promised me leniency, or in any other way coerced or induced me to plead **guilty** as indicated above; my decision to plead **guilty** hereby placing myself completely and without reservation of any kind upon the mercy of the Court with respect to punishment, represents the free and voluntary exercise of my own will and best judgment. I am completely satisfied with the legal representation and advice I have received from my counsel. I understand that I have a limited appeal as a matter of right from my plea and sentence within thirty days of the filing of my judgment of conviction.

DEFENDANT: _____ DATE: _____

I hereby certify that I have counseled my client to the best of my professional ability with respect to the facts and law of this case. I have also diligently investigated my client's cause and assertions and possible defenses and have fully discussed these matters with my client. I represent my client is competent to proceed to change the plea(s), as indicated hereinabove, and, in my opinion, that the

defendant has acted knowingly, voluntarily, and intelligently in such matter. ATTORNEY FOR DEFENDANT: _____ DATE: _____

The Court, having personally addressed the defendant on the record, found the plea to be voluntarily and intelligently made, with full knowledge of the consequences thereof, including waivers of all applicable rights and defenses and with understanding of maximum penalties. Having been fully advised as to the facts of the case by the prosecuting attorney, the Court accepted the defendant's plea(s) of **guilty** as to each count and found the defendant guilty.

Any pending motions in this case are hereby disposed of in the following manner: withdrawn.

SIGNATURE: _____

PRINT NAME: Mike Smith

Asst. Prosecuting Attorney

DATE: _____

SIGNATURE: _____

PRINT NAME: Albert Johnson

Attorney for Defendant

DATE: _____

JUDGE: _____ DATE: _____

IN THE COMMON PLEAS COURT OF TEST COUNTY, OHIO
THE HONORABLE JUDGE TEST 1 JUDGE PRESIDING

STATE OF OHIO :
Plaintiff, : CASE NO. B/23/0001
v. :
JOHN M. DOE : **UNIFORM SENTENCING ENTRY**
Defendant. :

This case came before the Court on June 23, 2023 for sentencing pursuant to R.C. 2929.19.

The defendant was present in the courtroom.

Counsel for the defendant Albert Johnson, was present.

The State of Ohio, as represented by Mike Smith, was present.

The proceedings were recorded by digital system.

The Victim(s) was/were present at the hearing and was/were given the opportunity to be heard.

The Court gave defense counsel an opportunity to speak and present mitigation on the defendant's behalf, personally addressed the defendant, and provided the defendant an opportunity for allocution.

The Court gave the prosecuting attorney an opportunity to address the court.

The State deferred to the court regarding specific sentencing recommendations.

Having considered all statements in mitigation as well as the statements of the parties, any presentence investigation, any victim impact statement and/or other statement from the victim or victim's representative, as well as the principles and purposes of sentencing in R.C. 2929.11, the seriousness and recidivism factors in R.C. 2929.12, and all other relevant sentencing statutes, the Court pronounced sentence on the defendant as follows.

CONVICTION & FINDINGS

The Court finds that the defendant was found guilty of the following:

Instrument-Type	Count	Offense	Offense Level	Disposition	Date (M/D/Y)
IND	1	2913.02(A)(1) - Theft without consent of owner	F5	Guilty Plea	06/23/2023

In fashioning the sentence(s) in this case, the Court has considered the need to protect the public from future crime by the defendant and others, to punish the defendant, and to promote the defendant's effective rehabilitation while using the minimum sanctions to accomplish those purposes without imposing an unnecessary burden on state or local government resources. This includes the need for incapacitation, deterrence, rehabilitation of the defendant, and restitution to the victim and/or the public. This sentence is commensurate with, and not demeaning to, the seriousness of the

defendant's conduct and its impact on the victim, consistent with sentences for similar crimes by similar offenders, and is in no way based on the defendant's race, ethnicity, gender, or religion.

The Court has considered R.C. 2929.12 and has weighed the factors which indicate the defendant's conduct is more or less serious than that normally constituting the offense charged as well as the factors which would indicate that the defendant is more or less likely to commit future crimes.

The Court finds that a community control sanction is required under R.C. 2929.13(B)(1)(a) because the defendant does not have a prior conviction for a felony offense, the most serious charge before the Court is a felony of the fourth or fifth degree, and the defendant has not been convicted for a misdemeanor offense of violence in the two years prior to the offense being sentenced.

SENTENCE

The Court has considered the presentence investigation. The Court has considered the factors in R.C. 2929.13, finds the defendant amenable to available community control sanctions, and sentences the defendant to a term of three (3) year[s] community control supervision on each count as listed below, to run concurrently. The period of community control will include the conditions and sanctions as listed below. The defendant is ordered to report forthwith to the Probation Department. The Court reserves the right pursuant to R.C. 2929.15 to modify the conditions of community control, to extend the period of supervision, or to impose more restrictive sanctions if the defendant is found to be in violation of community control. The defendant was informed that if any conditions of a community control sanction are violated or if the defendant violates a law or leaves the state without the permission of the Court or the defendant's probation officer, the sentencing court may impose a longer time under the same sanction, may impose a more restrictive sanction, or may impose a prison term as detailed below:

Count	Length Of Comm Control	Sentence Range Definite	Sentence Range Indefinite Minimum
1	3 years	12 months	

The Court imposes the following nonresidential sanction(s) pursuant to R.C. 2929.17: The defendant must follow all local, state, and federal laws and ordinances, and may not leave the state without the permission of the Court.

A term of:

- Electronic Monitoring for 30 days.

That the defendant perform 40 hours of community service.

The defendant's level of supervision will be basic.

The defendant will abstain from the use of both alcohol and drugs.

The defendant will be subject to drug and alcohol use monitoring, including random drug testing.

The defendant will obtain and/or maintain employment or be involved in full-time education or job training.

The defendant will complete the following assessment and comply with all treatment recommendations:

- Substance Abuse

Stay away from and have no contact in person or by any means with Victim as a condition of community control.

The Adult Parole Authority will administer post-release control pursuant to R.C. 2967.28, and the defendant has been advised that if the defendant violates post-release control, the Parole Board may impose a prison term as part of the sentence of up to half of the stated prison term or stated minimum term originally imposed upon the defendant in nine-month increments. If, during the period of the releasee's post-release control, the releasee serves as a post-release control sanction the maximum prison time available as a sanction, the post-release control shall terminate. If while on post-release control the defendant is convicted of a new felony, the sentencing court will have authority to terminate the post-release control and order a consecutive prison term of up to the greater of twelve months or the remaining period of post-release control.

Upon the record before the Court and any evidence presented and having considered the defendant's present and future ability to pay, the Court orders that the costs of prosecution and any jury fees in this case shall be waived.

By stipulation of the parties and having considered the defendant's present and future ability to pay, the defendant is ordered to make restitution in the amount of one thousand five hundred dollar(s) (\$1500) to Victim

This order of restitution by the Court can be converted to a civil judgement and collected by the victim through a civil action.

The defendant has filed an affidavit of indigency with the Court.

The defendant's bond is ordered released.

The Court orders the defendant be granted days of jail time credit on up to and including the date of sentencing and excluding conveyance time.

The defendant was notified of rights to appeal per Crim.R. 32 as well as the defendant's right to have counsel appointed for them and a transcript of all proceedings provided to them at no cost if the defendant is determined to be indigent and unable to afford counsel.

IT IS SO ORDERED.

JUDGE: _____

DATE: _____