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IN THE COURT OF COMMON PLEAS
CUYAHOGA COUNTY, OHIO

THE STATE OF OHIO
    Plaintiff

DANAN SIMMONS,JR
    Defendant

Case No: CR-19-638591-A

Judge: JOSEPH D RUSSO

INDICT: 2923.13 HAVING WEAPONS WHILE UNDER
        DISABILITY /FRM1 /F18 /FORS
        2925.03 TRAFFICKING OFFENSE /FRM1 /FORS
        2925.11 DRUG POSSESSION /FORS
        ADDITIONAL COUNTS...

JOURNAL ENTRY

DEFENDANT IN COURT. COUNSEL RALPH T DEFRANCO PRESENT.
COURT REPORTER DEBORAH KRACHT PRESENT.
ON A FORMER DAY OF COURT THE DEFENDANT PLEAD GUILTY TO HAVING WEAPONS WHILE UNDER
DISABILITY 2923.13 A(2) F3 WITH FORFEITURE SPECIFICATION(S) (2941.1417) AS CHARGED IN COUNT(S) 1 OF THE
INDICTMENT.
ON A FORMER DAY OF COURT THE DEFENDANT PLEAD GUILTY TO TRAFFICKING OFFENSE 2925.03 A(2) F2 WITH
FIREARM SPECIFICATION(S) - 1 YEAR (2941.141), FORFEITURE SPECIFICATION(S) (2941.1417) AS AMENDED IN
COUNT(S) 2 OF THE INDICTMENT AMOUNT OF DRUGS IS GREATER THAN 20 GRAMS BUT LESS THAN 27 GRAMS
ON A FORMER DAY OF COURT THE DEFENDANT PLEAD GUILTY TO DRUG POSSESSION 2925.11 A F5 WITH
FORFEITURE SPECIFICATION(S) (2941.1417) AS CHARGED IN COUNT(S) 4 OF THE INDICTMENT.
COUNT(S) 3, 5 WAS/WERE NOLLED.
DEFENDANT TO FORFEIT TO STATE: 9MM SMITH AND WESSON SERIAL #HMK3562, 40 CALIBER FIREARM SERIAL
#X754719, CELL PHONE AND A SCALE
DEFENDANT ADDRESSES THE COURT, PROSECUTOR SHANNON RALEY ADDRESSES THE COURT.

THE COURT CONSIDERED ALL REQUIRED FACTORS OF THE LAW.
THE COURT FINDS THAT PRISON IS CONSISTENT WITH THE PURPOSE OF R. C. 2929.11.

THE COURT IMPOSES A PRISON SENTENCE AT THE LORAIN CORRECTIONAL INSTITUTION OF 5 YEAR(S).
4 YEARS ON COUNT 2 PLUS AN ADDITIONAL MANDATORY CONSECUTIVE 1 YEAR SENTENCE ON THE FIREARM
SPECIFICATION, 18 MONTHS ON COUNT 1, 9 MONTHS ON COUNT 4 WITH THE UNDERLYING SENTENCES TO BE
SERVED CONCURRENTLY FOR A TOTAL OF 5 YEARS.

POST RELEASE CONTROL IS PART OF THIS PRISON SENTENCE FOR 3 YEARS MANDATORY FOR THE ABOVE
FELONY(S) UNDER R.C.2967.28. DEFENDANT ADVISED THAT IF/WHEN POST RELEASE CONTROL SUPERVISION IS
IMPOSED FOLLOWING HIS/HER RELEASE FROM PRISON AND IF HE/SHE VIOLATES THAT SUPERVISION OR
CONDITION OF POST RELEASE CONTROL UNDER RC 2967.131(B), PAROLE BOARD MAY IMPOSE A PRISON TERM AS
PART OF THE SENTENCE OF UP TO ONE-HALF OF THE STATED PRISON TERM ORIGINALLY IMPOSED UPON THE
OFFENDER.

DEFENDANT TO RECEIVE JAIL TIME CREDIT FOR 2 DAY(S), TO DATE.
AND ANY DAYS UNTIL THE DEFENDANT LEAVES FOR THE INSTITUTION
DEFENDANT ADVISED OF THE REGAN TOKES LAW AS IT APPLIES TO COUNT 2. DEFENDANT ADVISED THAT
POSSIBLE SENTENCE UNDER COUNT 2 IS NOW CONSIDERED AN INDEFINITE SENTENCE AN THAT THE MAXIMUM
POSSIBLE SENTENCE ON COUNT 2 IS 8 YEARS.
THIS COURT FINDS THE INDEFINTE SENTENCING TO BE UNCONSTITUTIONAL ACCORDING TO COURT OF

SENT
01/30/2020

COMMON PLEAS HAMILTON COUNTY, OH: CASE NO. B 1903562; STATE OF OHIO V. WILLIAM O'NEAL; JUDGE TOM HEEKIN (11/20/2019).

SINCE YOU HAVE BEEN SENTECED TO PRISON, AFTER SERVING ANY MANDATORY TERMS, THAT YOU HAVE THE PTENTIAL TO REDUCE YOUR REMAINING SENTENCE BY 5 TO 15% FOR "EXCEPTIONAL CONDUCT OR ADJUSTMENT TO INCARCERATION" AS DETERMINED BY THE DEPARTMENT OF CORRECTIONS AND IF APPROVED BY THIS COURT.

N THE ALTERNATIVE, AFTER SERVING ANY MANDATORY TERMS, YOU MAY BE ELIGIBLE FOR A REDUCTION IN YOUR TERM OF UP TO 8% OF YOUR STATED PRISON TERMS DUE TO YOUR PRODUCTIVE PARTICIPATION IN EDUCATIONAL, VOCATIONAL AND/OR SUBSTANCE ABUSE TREATMENT PROGRAMS AND OR PRISON INDUSTRIAL EMPLOYMENT PURSUANT TO OHIO REVISED CODE SECTION 2967.193.
DEFENDANT DECLARED INDIGENT.
COSTS WAIVED

THE COURT ELECTS TO NOT SUSPEND DEFENDANT'S DRIVING PRIVILEGES.
ALL MOTIONS NOT SPECIFICALLY RULED ON PRIOR TO THE FILING OF THIS JUDGMENT ENTRY ARE DENIED AS MOOT.
DEFENDANT REMANDED.
SHERIFF ORDERED TO TRANSPORT DEFENDANT DANAN SIMMONS,JR, DOB: 07/02/1993, GENDER: MALE, RACE: BLACK.

01/30/2020
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Judge Signature   01/31/2020

SENT
01/30/2020