THE STATE OF OHIO,

Plaintiff,

vs. CASE NO. 03TRD13906

BRIAN MATHENY,

Defendant.

**NOT GUILTY PLEA AND BOND JUDGMENT ENTRY**

Defendant appeared in Court on January 05, 2022, for Arraignment. The defendant entered a plea of NOT GUILTY to the charge(s) listed below. This case will be set for further proceedings by separate entry.

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| --- | --- |
| **Offense** | **SPEED REDUCED ZONE 1ST OFFENSE** |
| **Statute/Ord.** | **4511.21C\*** |
| **Degree** | **MM** |
| **Plea** | **Not Guilty** |

The Court finds that the below-ordered conditions will not obstruct the criminal justice process, and are the least restrictive means of assuring Defendant’s appearance in Court and the protection and safety of the community. In determining the type and amount of bail, the Court considered each of the enumerated factors in Crim. R. 46(C) and R.C. 2919.251.

**10% Deposit, Cash or Surety Bond Conditions**

**Financial Conditions of Release:**

The Court finds that the following financial condition(s) are related to Defendant’s risk of non-appearance, the seriousness of the offense, and/or the previous criminal record of the Defendant.

* Defendant shall post a $2,500 bond secured by 10% deposit, cash, or surety.  
    
  **Non-Financial Conditions of Release:**
* Defendant shall behave lawfully, comply with any protection orders and/or other orders of this Court, and shall maintain contact and cooperation with counsel of record.
* Defendant shall provide written notice to the Office of Community Control at least 10 days prior to leaving Ohio.
* Defendant shall provide written notice to the Clerk of Court at least 10 days prior to any change of address.
* Defendant shall have no contact with **Hutner Kudela**. Contact includes, but is not limited to, landline, cordless, cellular or digital telephone; text; instant messaging; fax; e-mail; voicemail; delivery service; social media; blogging; writings; electronic communications; posting a message; or communications by any other means directly or through another person.
* Defendant shall immediately vacate and permit exclusive possession of the residence located at **1773 Little Bear Loop** to **Katherine Kudela**. Defendant shall not interfere with the named person’s right to occupy the residence including, but not limited to cancelling utilities or insurance or interrupting telecommunications (e.g. telephone, internet, or cable) service, mail delivery, or the delivery of any other documents or items.
* Defendant shall surrender all keys and garage door openers to the above residence within 24 hours of service of this Order to the arresting agency.
* Defendant shall turn over all deadly weapons, including firearms, and ammunition to the arresting agency no later than **January 12, 2022**. Any deadly weapons, including firearms, and ammunition accepted by the arresting agency shall be held in protective custody for the duration of this Order.
* Defendant shall maintain sobriety while on bond, and shall not possess, consume, or purchase alcohol or drugs of abuse.
* Defendant shall forthwith report to the Office of Community Control to obtain an alcohol and drug assessment and comply with any treatment recommendations.
* Defendant shall report to the Office of Community Control forthwith to determine a schedule for alcohol tests with the AB (Alcohol) Kisok.
* Defendant shall report to the Specialized Docket Coordinator to complete screening for admission to OVI Docket.
* Defendant shall report to the Office of Community Control forthwith for the following monitoring: GPS Only.
* Defendant shall submit to the custody of , a designated person or organization agreeing to supervise Defendant.

**Administrative License Suspension**

Defendant’s operator’s license is subject to an administrative license suspension. Defendant requested a stay of the administrative license suspension during the pendency of this case. The State objected to the stay. The Court DENIED the administrative license suspension and the administrative license suspension IS NOT STAYED. Because i said so.

**Vehicle Seizure/Immobilization**

A 2012 Acura, license plate 234 EAF, was seized by law enforcement pursuant to R.C. 4511.195 or 4510.41. BRIAN MATHENY is the owner of the vehicle. Owner is subject to tow and storage fees. The law enforcement agency shall permit the owner/authorized agent to recover vehicle contents.

Defendant requested that the vehicle be immobilized at Defendant’s residence; the State did not object. Upon landowner’s written consent, and after Defendant pays all towing and storage costs, the vehicle shall be immobilized at Defendant’s residence. If the vehicle is towed to owner’s home, the law enforcement agency shall keep the license plates.

Defendant submitted a motion for return of the vehicle pending trial. The State objects to the motion. Defendant’s motion is Denied.

**Other Conditions**

Test.

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Judge Kyle Rohrer

Copies served by Dep. Clerk \_\_\_\_\_\_\_\_\_ on: \_\_\_ Prosecutor’s Office, \_\_\_ BRIAN MATHENY