State of Ohio,

Plaintiff,

vs. Case No. 21TRC05611

Kelly Barkschat,

Defendant.

**FINAL JUDGMENT ENTRY**

Defendant appeared in Court for arraignment on March 23, 2022. Defendant was represented by Chase Mallory, Private Counsel. Counsel for the State of Ohio made a motion to amend the charge(s) in the case. The Court found the amendment is consistent with Crim. R. 7 and consistent with the facts of this case. Therefore, the motion is Granted. The charge(s) of OVI Alcohol / Drugs 3rd is amended to Physical Control.

The Court explained that Defendant was charged with the offense(s) set forth below. The Defendant understood the nature of the charge(s), all constitutional rights, and the effects of a plea. Following allocution, Defendant entered a plea(s) to the charge(s) as set forth in the chart below. The Court advised that if Defendant is not a United States citizen any plea or conviction could result in deportation, exclusion from admission into the United States, or denial of naturalization under United States law. R.C. 2943.031. The Court, finding that the Defendant entered the plea knowingly, intelligently, and voluntarily, accepted the plea and entered the following sentence:

|  |  |  |  |
| --- | --- | --- | --- |
| **Offense** | **OVI Alcohol / Drugs 3rd - AMENDED to Physical Control** | **Driving In Marked Lanes** | **Seatbelt Required Driver** |
| **Statute/Ord.** | **4511.194** | **4511.33** | **4513.263B1** |
| **Degree** | **M1** | **MM** | **UCM** |
| **Plea** | **Guilty** | **Dismissed** | **Dismissed** |
| **Finding** | **Guilty** |  |  |
| **Fine Amount** | **$ 375** |  |  |
| **Fines Suspended** | **$ 0** |  |  |
| **Jail Days** | **180** |  |  |
| **Jail Days Suspended** | **177** |  |  |

**Jail.** The 3-day jail sentence imposed in this case is suspended upon condition that Defendant complete the Driver Intervention Program within 90 days. See terms of Community Control.

**Fines and Costs.** Court costs are assessed for the highest degree charge in this case. Having been informed of the fines and costs owed, Defendant expressed an ability to pay **forthwith**. Absent further order, the Court finds Defendant is able and shall pay the fines and costs in full by **March 23, 2022**.

**Proof of Financial Responsibility.**  The Defendant showed the Court proof of responsibility during the proceeding.

**Community Control.** For a period of **1 year**, Defendant shall be under **basic supervision** with the Office of Community Control. The Court advised Defendant that as a result of any failure to comply with the terms of community control, the Court may impose a longer term of community control up to a total of 5 years; impose a definite jail term to include any days stayed or otherwise authorized by law; and/or otherwise modify the terms of community control set forth below.

While subject to community control, Defendant shall:

General Terms

* Report forthwith to the Office of Community Control.
* Abide by the law, comply with the community control terms set by the Office of Community Control, and not leave the state without the permission of the Court and/or the Office of Community Control.
* Pay probation fees monthly.
* Make all reasonable effort to obtain and maintain employment. Defendant shall report any change in employment status immediately.
* Submit to alcohol/drug testing at the request of community control or any other law enforcement officer.
* Not possess/consume/purchase any alcoholic beverages or drugs of abuse.

Additional Terms

* Within 90 days provide proof of completion of an approved driver intervention program or serve 3 days in the Delaware County Jail.

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Judge Marianne Hemmeter

Copies served by Dep. Clerk \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_ on the following date \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_ to:

Prosecutor’s Office: PS OM EM; Defendant’s Attorney: PS OM EM; Kelly Barkschat: PS OM EM;

Community Control: PS EM;