THE STATE OF OHIO,

Plaintiff,

vs. CASE NO. 21TRC08418

MARSIAN GARDNER,

Defendant.

**MAGISTRATE’S DECISION**

Defendant appeared in Court for change of plea on February 24, 2022. Defendant waived right to counsel.

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** | **DRIVING IN MARKED LANES** | **TURN AND STOP SIGNALS** | **OVI ALCOHOL / DRUGS 1ST** |
| **Statute/Ord.** | **4511.33** | **4511.39** | **4511.19A1A\*** |
| **Degree** | **MM** | **MM** | **M1** |
| **Plea** | **No Contest** | **No Contest** | **No Contest** |
| **Finding** | **Guilty** | **Guilty** | **Guilty** |
| **Fine Amount** | **$ 50** | **$ 0** | **$ 0** |
| **Fines Suspended** | **$ 25** | **$ 0** | **$ 0** |
| **Jail Days** | **10** | **None** | **None** |
| **Jail Days Suspended** | **None** | **None** | **None** |

**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 **February 24, 2022**.

**Proof of Financial Responsibility.**  The Defendant showed proof of financial responsibility at the time of the offense.

**Jail Reporting Terms.** Defendant’s report date is **February 24, 2022 at 08:30 AM**.

* Defendant shall report to jail timely and sober.
* The jail days imposed shall be served as consecutive days.
* Defendant shall timely pay, or dispute, confinement costs billed pursuant to R.C. 2929.37 or be subject to certificate of judgment by the Clerk.

**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 anti-theft/shoplifting program.
* Within 90 days obtain a mental health evaluation and comply with any treatment and/or counseling recommendations. Defendant shall sign a release/consent to permit community control to obtain a copy of records. Defendant shall provide community control with proof of monthly compliance.
* Within 60 days pay restitution of **$450.00**, for which judgment is granted, payable through the Clerk’s office with cash, or with a cashier’s check or money order payable toJustin Kudela. The Court ORDERS that any payments made by Defendant be first directed toward the payment of restitution.

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Magistrate Amanda Bunner

***Pursuant to Criminal Rule 19(D) and Traffic Rule 14, written objections to this magistrate’s decision must be filed within 14 days of the filing of this decision. Any objections must state with specificity the grounds of the objections. A party shall not assign as error on appeal the court’s adoption of this decision unless the party timely files objections.***

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

Prosecutor’s Office: PS OM EM; Defendant’s Attorney: PS OM EM; MARSIAN GARDNER: PS OM EM;

Community Control: PS EM;County Jail: PS EM;