State of Ohio,

Plaintiff,

vs. Case No. 22CRB00141

Dwayne Funderburke,

Defendant.

**FINAL JUDGMENT ENTRY**

Defendant appeared in Court for arraignment on March 10, 2022. Defendant waived right to counsel. Counsel for the State of Ohio made a motion to amend the charge(s) in the case. The Court found the amendment did not alter the name or identity of the offense and the motion is Granted. The charge(s) of Assault - M1 is amended to Getting Mad.

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:

**Diversion.** Defendant is eligible for the Theft Diversion Program. The Defendant’s plea and the Court’s findings are set forth in the chart below. The sentence, including any fines, costs and jail days, is SUSPENDED pending Defendant’s completion of the Theft Diversion Program. Should Defendant fail to complete the terms of the Theft Diversion Program, the sentence shall apply, and Defendant shall pay fines and court costs by June 21, 2022.

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| --- | --- |
| **Offense** | **Assault - M1 - AMENDED to Getting Mad** |
| **Statute/Ord.** | **123.45** |
| **Degree** | **Minor Misdemeanor** |
| **Plea** | **No Contest** |
| **Finding** | **Guilty** |
| **Fine Amount** | **$ 0** |
| **Fines Suspended** | **$ 0** |
| **Jail Days** | **None** |
| **Jail Days Suspended** | **None** |

**Fines and Costs.** The Defendant shall pay the diversion program fee and does not owe the fines and court costs if the Theft Diversion Program is successfully completed. If Defendant does not successfully complete the Theft Diversion Program, then the diversion program fee shall be applied to fines and costs.

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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; Dwayne Funderburke: PS OM EM;