State of Ohio,

Plaintiff,

vs. Case No. {{ case\_number }}

{{ defendant.first\_name }} {{ defendant.last\_name }},

Defendant.

{% if judicial\_officer.officer\_type == ‘Magistrate’ %}

**MAGISTRATE’S DECISION**

{% elif judicial\_officer.officer\_type == ‘Judge’ %}

**FINAL JUDGMENT ENTRY**

{% endif %}

{% if appearance\_reason == ‘LEAP sentencing’ %}Defendant, having failed to complete the terms of the License Evaluation and Assistance Program and having previously plead guilty to the charge(s) listed below, appeared in Court for sentencing on {{ plea\_trial\_date }}. {% if defense\_counsel\_waived is false %}Defendant was represented by {{ defense\_counsel }}, {{ defense\_counsel\_type }}. {% elif defense\_counsel\_waived is true %}Defendant appeared pro se, having previously waived the right to counsel. {% endif %}{% elif appearance\_reason == ‘trial to court’ %}{% if defense\_counsel\_waived is false %}Defendant was represented by {{ defense\_counsel }}, {{ defense\_counsel\_type }}. {% elif defense\_counsel\_waived is true %}Defendant appeared pro se, having previously waived the right to counsel. {% endif %}Defendant appeared in Court on {{ plea\_trial\_date }}, for a Trial to the Court. After consideration of the evidence presented at trial the Court finds as indicated in the chart below. {% elif appearance\_reason == ‘jury trial’ %}Defendant appeared in Court on {{ plea\_trial\_date }}, for a jury trial. {% if defense\_counsel\_waived is false %}Defendant was represented by {{ defense\_counsel }}, {{ defense\_counsel\_type }}. {% elif defense\_counsel\_waived is true %}Defendant waived right to counsel. {% endif %}The jury found and the Court sentenced as indicated in the chart below. {% elif appearance\_reason == ‘sentencing only’ %}Defendant having previously plead and been found guilty to the charge(s) listed below, appeared in Court for sentencing on {{ plea\_trial\_date }}. {% if defense\_counsel\_waived is false %}Defendant was represented by {{ defense\_counsel }}, {{ defense\_counsel\_type }}. {% elif defense\_counsel\_waived is true %}Defendant appeared pro se, having previously waived the right to counsel. {% endif %}{% else %}Defendant appeared in Court for {{ appearance\_reason }} on {{ plea\_trial\_date }}. {% if defense\_counsel\_waived is false %}Defendant was represented by {{ defense\_counsel }}, {{ defense\_counsel\_type }}. {% elif defense\_counsel\_waived is true %}Defendant waived right to counsel. {% endif %}{% if amend\_offense\_details is not none %}Counsel for the State of Ohio made a motion to amend the charge(s) in the case.{% if amend\_offense\_details.motion\_disposition == ‘Granted’ %} The Court found the amendment is consistent with Crim. R. 7 and consistent with the facts of this case. Therefore, the motion is {{ amend\_offense\_details.motion\_disposition }}. The charge(s) of {% for charge in amended\_charges\_list %}{% if loop.index == 2 %} and {% endif %}{{ charge[0] }} is amended to {{ charge[1] }}{% endfor %}.{% elif amend\_offense\_details.motion\_disposition == ‘Denied’ %} The Court found the amendment did alter the name or identify of the offense(s) and therefore the motion is {{ amend\_offense\_details.motion\_disposition }}.{% endif %}{% endif %}

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. 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, following allocution, entered the following sentence:{% endif %}{% if offense\_of\_violence is true %}{{‘\n\n’}}**Offense of Violence.** The Court informed the Defendant that a conviction in this case results in the following:

* 18 U.S.C § 922(g)(9) prohibits the Defendant from shipping, transporting, purchasing, possessing, or owning a firearm or ammunition.
* A conviction in this case may escalate subsequent violations into felonies.
* A conviction in this case may render the Defendant ineligible for certain state and federal benefits. {% endif %}{% if victim\_statements is true %}

{{‘\n’}}The Court heard statements from the Prosecutor, Victim Advocate on behalf of the victim, Defense Counsel and the Defendant. The Court considered the overriding purposes of misdemeanor sentencing when making its findings. {% endif %}

|  |  |  |  |
| --- | --- | --- | --- |
| **Offense** | **{%tc for charge in charges\_list %}** | **{{ charge.offense }}** | **{%tc endfor %}** |
| **Statute/Ord.** | **{%tc for charge in charges\_list %}** | **{{ charge.statute }}** | **{%tc endfor %}** |
| **Degree** | **{%tc for charge in charges\_list %}** | **{{ charge.degree }}** | **{%tc endfor %}** |
| **Plea** | **{%tc for charge in charges\_list %}** | **{{ charge.plea}}** | **{%tc endfor %}** |
| **Finding** | **{%tc for charge in charges\_list %}** | **{{ charge.finding }}** | **{%tc endfor %}** |
| **Fine Amount** | **{%tc for charge in charges\_list %}** | **{{ charge.fines\_amount }}** | **{%tc endfor %}** |
| **Fines Suspended** | **{%tc for charge in charges\_list %}** | **{{ charge.fines\_suspended }}** | **{%tc endfor %}** |
| **Jail Days** | **{%tc for charge in charges\_list %}** | **{{ charge.jail\_days }}** | **{%tc endfor %}** |
| **Jail Days Suspended** | **{%tc for charge in charges\_list %}** | **{{ charge.jail\_days\_suspended }}** | **{%tc endfor %}** |

{% if community\_control.specialized\_docket\_ordered is true %}{{‘\n’}}**Specialized Docket Admission.** Defendant is placed on the {{ community\_control.specialized\_docket\_type }}. The Defendant has reviewed and understands the requirements of the {{ community\_control.specialized\_docket\_type }} and agrees to all terms and conditions of the {{ community\_control.specialized\_docket\_type }}. {% endif %}{% if jail\_terms.currently\_in\_jail == ‘Yes’ %}{{‘\n’}}**Jail Continued Commitment Terms.** The Defendant is sentenced to **{{ jail\_terms.total\_jail\_days\_to\_serve }} days** in jail for this case. The Defendant is currently in jail and shall serve the remainder of the jail days imposed by this order. {% if jail\_terms.companion\_cases\_exist is true %}Defendant’s jail days imposed in this case shall be served {{ jail\_terms.companion\_cases\_sentence\_type }} to the jail days imposed in {{ jail\_terms.companion\_cases\_numbers }}. {% endif %}{% if jail\_terms.apply\_jtc == ‘Sentence’ %}Defendant shall receive credit for **{{ jail\_terms.days\_in\_jail }} days** already served in jail. {% endif %}{% endif %}{% if jail\_terms.ordered is false and jail\_terms.apply\_jtc == ‘Sentence’ and jail\_terms.days\_in\_jail != ‘None’ and jail\_terms.currently\_in\_jail == ‘No’ %}{{‘\n’}}**Jail Credit.** The Defendant is sentenced to **{{ jail\_terms.total\_jail\_days\_to\_serve }} days** in jail for this case. Defendant is granted **credit for {{ jail\_terms.days\_in\_jail }} day(s)** already served in jail. {{‘\n’}}{% endif %}{% if jail\_terms.apply\_jtc == ‘Costs and Fines’ and jail\_terms.days\_in\_jail != ‘None’%}

**Jail Credit for Fines.** Defendant is granted **credit towards fines at $50/day for {{ jail\_terms.days\_in\_jail }} day(s)** already served in jail. {{‘\n’}}{% endif %}{% if community\_control.driver\_intervention\_program is true %}

**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. {% endif %}{% if jail\_terms.ordered is true %}{{‘\n’}}**Jail.** The Defendant is sentenced to **{{ jail\_terms.total\_jail\_days\_to\_serve }} days** in jail for this case. {% if jail\_terms.companion\_cases\_exist is true %}Defendant’s jail days imposed in this case shall be served {{ jail\_terms.companion\_cases\_sentence\_type }} to the jail days imposed in {{ jail\_terms.companion\_cases\_numbers }}. {% endif %}{% if jail\_terms.apply\_jtc == ‘Sentence’ %}Defendant is granted **credit for {{ jail\_terms.days\_in\_jail }} days** already served in jail. {% endif %}{{‘\n\n’}}**Jail Reporting Terms.** {% if jail\_terms.report\_type == ‘forthwith’ %}Defendant shall report to jail {{ jail\_terms.report\_type }}.{% endif %}{% if jail\_terms.report\_type == ‘future date’ %}Defendant’s report date is **{{ jail\_terms.report\_date }}, at {{ jail\_terms.report\_time }}**.{% endif %}{% if jail\_terms.report\_type == ‘date set by Office of Community Control’ %}Defendant shall schedule the jail days imposed in this case through the Office of Community Control.{% endif %}

* Defendant shall report to jail timely and sober.
* The jail days imposed in this case shall be served as {{ jail\_terms.jail\_sentence\_execution\_type }}. {% if jail\_terms.jail\_sentence\_execution\_type != ‘consecutive days’ %}{{ jail\_terms.jail\_report\_days\_notes }}.{% endif %}
* 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. {% endif %}

**Fines and Costs. {%** if court\_costs.ordered == ‘Yes’ %}Court costs are assessed for the highest degree charge in this case{% if diversion.ordered is false %}. {% elif diversion.ordered is true %}, but Defendant does not owe the court costs if the {{ diversion.program\_name }} is successfully completed. {% endif %}{% elif court\_costs.ordered == ‘Waived’ %}Court costs in this case are waived. {% elif court\_costs.ordered == ‘Imposed in companion case’ %}No court costs are imposed in this case, but court costs are imposed in Defendant’s companion case. {% elif court\_costs.ordered == ‘No’ %}There are no court costs in this case. {% endif %}{% if diversion.ordered is false %}Having been informed of the fines **{%** if court\_costs.ordered == ‘Yes’ %}and costs {% endif %}owed, Defendant expressed an ability to pay **{{ court\_costs.ability\_to\_pay\_time }}**. Absent further order, the Court finds Defendant is able and shall pay the fines **{%** if court\_costs.ordered == ‘Yes’ %}and costs {% endif %}in full by **{{ court\_costs.balance\_due\_date }}**. {% if court\_costs.ability\_to\_pay\_time != ‘forthwith’ %}Defendant may complete community service hours to satisfy fines **{%** if court\_costs.ordered == ‘Yes’ %}and costs {% endif %}at the current rate set by the Court. All Community Service hours must be approved by the Office of Community Control.{% endif %}{% endif %}{% if community\_service.ordered is true %}{{ ‘\n’ }}

**Community Service.** Defendant shall complete {{ community\_service.hours\_of\_service }} hours of community service within {{ community\_service.days\_to\_complete\_service }} days. Defendant shall show proof of completion of all completed hours to the Office of Community Control on or before {{ community\_service.due\_date\_for\_service }}. {% endif %}{% if fra\_in\_file is not none %}{% if fra\_in\_court is not none %}{{ ‘\n’ }}

**Proof of Financial Responsibility.** {% if fra\_in\_file is true %}The Defendant showed proof of financial responsibility at the time of the offense.{% endif %}{% if fra\_in\_court is true %} The Defendant showed the Court proof of responsibility during the proceeding.{% endif %}{% if fra\_in\_file is false %}{% if fra\_in\_court is false %}The Defendant did not show proof of financial responsibility at the time of the offense or during the proceeding, but may show proof to Clerk of Court at any time prior to the submission of this matter to the Ohio Bureau of Motor Vehicles.{% endif %}{% endif %}{% endif %}{% endif %}{% if license\_suspension.ordered is true %}{{ ‘\n’ }}

**License Suspension.** Defendant’s {{ license\_suspension.license\_type }} license is suspended from {{ license\_suspension.suspended\_date }}, for a term of {{ license\_suspension.suspension\_term }}. {% if license\_suspension.als\_terminated is true %}The Administrative License Suspension is terminated and the OBMV form 2261 shall issue. {% endif %}{% if license\_suspension.remedial\_driving\_class\_required is true %}The Defendant is required to complete a remedial driving class before the Defendant’s operator’s license may be reinstated.{% endif %}{% endif %}{% if victim\_notification.ordered is true and victim\_notification.fingerprinting\_ordered is true %}{{ ‘\n’ }}

**Fingerprinting.** Defendant shall contact the Delaware County Jail or the Delaware Police Department within 24 hours to schedule a time to report for fingerprinting. {% endif %}{% if victim\_notification.ordered is true and victim\_notification.victim\_reparation\_notice or victim\_notification.victim\_prosecutor\_notice is true %}{{ ‘\n’ }}

**Victim Notification.**  {% if victim\_notification.victim\_reparation\_notice is true %}The Clerk shall serve notice on the victim of the right to apply for reparation pursuant to R.C. 2743.51-72. {% endif %}{% if victim\_notification.victim\_prosecutor\_notice is true %}The Clerk shall serve the prosecutor who shall notify the victim as required by R.C. 2930.01-19. {% endif %}{% endif %}{% if impoundment.ordered is true %}{{ ‘\n’}}

**Vehicle Impoundment/Immobilization.**  The defendant’s {{ impoundment.vehicle\_make\_model }}, license plate {{ impoundment.vehicle\_license\_plate }}, shall {{ impoundment.impound\_action }} for a period of {{ impoundment.impound\_time }}. {% endif %}{% if community\_control.ordered is true %}{{ ‘\n’ }}

**Community Control.** For a period of **{{ community\_control.term\_of\_control }}**, Defendant shall be under **{{** **community\_control.type\_of\_control }} 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 at 70 N. Union St., Delaware, OH 43015.
* 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{% if community\_control.not\_within\_500\_feet\_ordered is true %}

* Shall not come within 500 feet of **{{ community\_control.not\_within\_500\_feet\_person }}**.{% endif %}{% if community\_control.no\_contact\_with\_ordered is true %}
* Defendant shall have no contact with **{{ community\_control.no\_contact\_with\_person }}**. 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.{% endif %}{% if community\_control.driver\_intervention\_program is true %}
* Within 90 days provide proof of completion of an approved driver intervention program or serve 3 days in the Delaware County Jail. {% endif %}{% if community\_control.alcohol\_evaluation is true %}
* Within 90 days provide proof of completion of an alcohol/drug dependency evaluation and comply with any treatment and/or counseling recommendations. Defendant shall provide community control with proof of monthly compliance. {% endif %}{% if community\_control.antitheft\_program is true %}
* Within 90 days provide proof of completion of an approved anti-theft/shoplifting program. {% endif %}{% if community\_control.domestic\_violence\_program is true %}
* Within 90 days provide proof of completion of an approved domestic violence offender program. {% endif %}{% if community\_control.mental\_health\_evaluation is true %}
* 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. {% endif %}{% if community\_control.anger\_management\_program is true %}
* Within 90 days provide proof of completion of a class in anger management.{% endif %}{% if community\_control.pay\_restitution is true %}
* Within 60 days pay restitution of **${{ community\_control.pay\_restitution\_amount }}**, for which judgment is granted, payable through the Clerk’s office with cash, or with a cashier’s check or money order payable to{{ community\_control.pay\_restitution\_to }}. The Court ORDERS that any payments made by Defendant be first directed toward the payment of restitution.{% endif %}{% if community\_control.alcohol\_monitoring is true %}
* {% if currently\_in\_jail == ‘Yes’ %}Prior to release from jail, Defendant shall be fitted for a SCRAM unit. {% else %}Defendant shall report forthwith to the Office of Community Control to be fitted with a SCRAM unit. {% endif %}Defendant shall submit to continuous alcohol monitoring (SCRAM) as directed by community control for **{{ community\_control.alcohol\_monitoring\_time }}**. {% if community\_control.alcohol\_monitoring\_court\_pay is true %}The Court shall pay for the cost of the SCRAM unit through its Indigent Alcohol Monitoring Fund. {% endif %}{% endif %}{% if community\_control.interlock\_vehicles\_only is true %}
* If the Court grants driving privileges, provide proof to community control of installation of a certified ignition interlock device within 30 days of the issuance of such privileges. Defendant shall only operate vehicles equipped with a certified ignition interlock device.{% endif %}{% if community\_control.community\_control\_community\_service is true %}
* Within 90 days show completion of **{{ community\_control.community\_control\_community\_service\_hours}}** of community service in addition to any hours that may be worked to satisfy fines and costs.{% endif %}{% if community\_control.specialized\_docket\_ordered is true %}
* Defendant is admitted to the {{ community\_control.specialized\_docket\_type }} and shall comply with all terms and conditions of the participation agreement for the docket. {% endif %}{% if community\_control.house\_arrest is true %}
* Submit to electronically monitored house arrest for **{{ community\_control.house\_arrest\_time }}**, effective upon hook-up by, and under the supervision of the Office of Community Control.{% endif %}{% if community\_control.gps\_exclusion is true %}
* {% if currently\_in\_jail == ‘Yes’ %}Prior to release from jail, Defendant shall be fitted for a GPS Monitoring unit. {% else %}Defendant shall report forthwith to the Office of Community Control to be fitted with a GPS Monitoring unit. {% endif %}Defendant is excluded from coming within **{{ community\_control.gps\_exclusion\_radius }}** of **{{** **community\_control.gps\_exclusion\_location }}**.{% endif %}{% if community\_control.daily\_reporting is true %}
* Defendant shall report daily to the Office of Community Control in the manner specified by the Office of Community Control.{% endif %}{% if community\_control.other\_community\_control is true %}
* **Other Community Control Conditions:** {{ community\_control.other\_community\_control\_conditions }}.{% endif %}{% endif %}{% if other\_conditions.ordered is true %}{{ ‘\n’ }}

**Other Conditions.** {{ other\_conditions.terms }}.{% endif %}

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{{ judicial\_officer.officer\_type }} {{ judicial\_officer.first\_name }} {{ judicial\_officer.last\_name }}

{% if judicial\_officer.officer\_type == ‘Magistrate’ %}

***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.***

{% endif %}

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

Prosecutor’s Office: PS OM EM; Defendant’s Attorney: PS OM EM; {{ defendant.first\_name }} {{ defendant.last\_name}}: PS OM EM;

{% if community\_control.ordered is true or bond\_conditions.monitoring is true %}Community Control: PS EM; {% endif %}{% if jail\_terms.ordered is true or apply\_jtc == ‘Sentence’ %}County Jail: PS EM;{% endif %}