State of Ohio,

Plaintiff,

vs. Case No. 21TRC05611div\_test

Kelly Barkschat,

Defendant.

**FINAL JUDGMENT ENTRY**

Defendant appeared in Court for change of plea on May 28, 2022. Defendant was represented by Chase Mallory, Private 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. 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:

**Diversion.** Defendant is eligible for the Marijuana 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 Marijuana Diversion Program. Should Defendant fail to complete the terms of the Marijuana Diversion Program the sentence shall apply, and Defendant shall pay fines and court costs by **September 06, 2022**.

|  |  |  |  |  |
| --- | --- | --- | --- | --- |
| **Offense** | **OVI Alcohol / Drugs 3rd** | **OVI Refusal 3rd/10yr Prior 20yr** | **Driving In Marked Lanes** | **Seatbelt Required Driver** |
| **Statute/Ord.** | **4511.19A1A** | **4511.19A2** | **4511.33** | **4513.263B1** |
| **Degree** | **UCM** | **UCM** | **MM** | **UCM** |
| **Plea** | **Guilty** | **Guilty** | **Guilty** | **Guilty** |
| **Finding** | **Guilty** | **Guilty** | **Guilty** | **Guilty** |
| **Fine Amount** | **$ 0** | **$ 0** | **$ 0** | **$ 0** |
| **Fines Suspended** | **$ 0** | **$ 0** | **$ 0** | **$ 0** |
| **Jail Days** | **None** | **None** | **None** | **None** |
| **Jail Days Suspended** | **None** | **None** | **None** | **None** |

**Restitution.** The Defendant must pay restitution in the amount of $5,000 to Justin Kudela no later than September 06, 2022 in order to successfully complete the diversion program.   
  
**Fines and Costs.** The Defendant shall pay the diversion program fee and does not owe the fines and court costs if the Marijuana Diversion Program is successfully completed. If Defendant does not successfully complete the Marijuana Diversion Program, then the diversion program fee shall be applied to fines and costs.

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

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Judge Kyle Rohrer

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;