State of Ohio,

Plaintiff,

vs. Case No. 21TRC05611trial\_sentencing

Kelly Barkschat,

Defendant.

**FINAL JUDGMENT ENTRY**

Defendant was represented by Chase Mallory, Private Counsel. Defendant appeared in Court on May 31, 2022, for a trial to the Court. After consideration of the evidence presented at trial the Court finds as indicated in the chart below.

|  |  |  |  |  |
| --- | --- | --- | --- | --- |
| **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** |
| **Tried To** | **Court** | **Court** | **Court** | **Court** |
| **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** |

**Specialized Docket Admission.** Defendant is placed on the OVI Docket. The Defendant has reviewed and understands the requirements of the OVI Docket and agrees to all terms and conditions of the OVI Docket.

**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 **May 31, 2022**.

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

**Fingerprinting.** Defendant shall contact the Delaware County Jail or the Delaware Police Department within 24 hours to schedule a time to report for fingerprinting.

**Victim Notification.**  The Clerk shall serve notice on the victim of the right to apply for reparation pursuant to R.C. 2743.51-72. The Clerk shall serve the prosecutor who shall notify the victim as required by R.C. 2930.01-19.

**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 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 community control 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

* Shall not come within 500 feet of **Justin Kudela**.
* Defendant shall have no contact with **John Smith**. 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.
* Within 90 days provide proof of completion of an approved driver intervention program or serve 3 days in the Delaware County Jail.
* 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.
* Within 90 days provide proof of completion of an approved anti-theft/shoplifting program.
* Within 90 days provide proof of completion of an approved domestic violence offender 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 90 days provide proof of completion of a class in anger management.
* Within 60 days pay restitution of **$4,000**, for which judgment is granted, payable through the Clerk’s office with cash, or with a cashier’s check or money order payable toMeijer. The Court ORDERS that any payments made by Defendant be first directed toward the payment of restitution.
* Defendant shall report forthwith to the Office of Community Control to be fitted with a SCRAM unit. Defendant shall submit to continuous alcohol monitoring (SCRAM) as directed by community control for **30 days**. The Court shall pay for the cost of the SCRAM unit through its Indigent Alcohol Monitoring Fund.
* 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.
* Within 90 days show completion of **100 hours** of community service in addition to any hours that may be worked to satisfy fines and costs.
* Defendant is admitted to the OVI Docket and shall comply with all terms and conditions of the participation agreement for the docket.
* Submit to electronically monitored house arrest for **15 days**, effective upon hook-up by, and under the supervision of the Office of Community Control.
* Defendant shall report forthwith to the Office of Community Control to be fitted with a GPS Monitoring unit. Defendant is excluded from coming within **1 mile** of **1773 Little Bear Loop**.
* Defendant shall report daily to the Office of Community Control in the manner specified by the Office of Community Control.
* **Other Community Control Conditions:** Pick up trash.

**Other Conditions.** Stay away from Big Bird!.

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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;

Community Control: PS EM;