IN THE COURT OF COMMON PLEAS
GUERNSEY COUNTY, OHIO

STATE OF OHIO,

Plaintiff,

vs.

_____,

Defendant.

Case No. _____

PLEA OF GUILTY:
INDEFINITE SENTENCING

JUDGE DANIEL G. PADDEN

I hereby withdraw my former not guilty plea and enter a plea of GUILTY to the following offenses:

Count or Specification	Offense / Specification	ORC Section	Level
_____	_____	_____	_____
_____	_____	_____	_____
_____	_____	_____	_____
_____	_____	_____	_____

Maximum Penalty: I understand that the maximum penalty for each count is as follows:

Offense/Spec.	Stated Minimum Prison Term (Range/Yrs.)	Maximum Indefinite Term	Longest Possible Maximum	Max. Fine	Mandatory Fine	License Suspension	Prison Presumed Necessary	Prison Time Mandatory	Mandatory Consecutive
_____	_____	_____	_____	$_____	$_____	_____	_____	_____	_____
_____	_____	_____	_____	$_____	$_____	_____	_____	_____	_____
_____	_____	_____	_____	$_____	$_____	_____	_____	_____	_____
_____	_____	_____	_____	$_____	$_____	_____	_____	_____	_____
	(F1:3-11 yrs.) (F2: 2-8 yrs.)	(F1: 5.5 yrs.) (F2: 4.0 yrs.)	(F1: 16.5 yrs.) (F2: 12.0 yrs.)						

Prison terms for multiple charges, even if consecutive sentences are not mandatory, may be imposed consecutively by the Court.

Court costs, restitution and other financial sanctions, including fines, day fines, and reimbursement for the cost of my sanctions may also be imposed.

When consecutive sentences are imposed when any felony offense is a qualifying offense under R.C. 2929.14(A), then the indefinite term will be calculated from the longest sentence of the most serious offense, regardless of whether the most serious offense is a qualifying offense under R.C. 2929.14(A) or not.

I understand that upon my conviction, Ohio Law requires that I submit a DNA sample.

I understand that if I receive a mandatory sentence then I am not eligible for a community sanction and will not be eligible for judicial release while serving the mandatory sentence.

I have received "Notice of Non-Life Felony Indefinite Prison Term." Initial____

I understand that if I am now on felony probation, parole, under a community control sanction, or under post release control from prison, this plea may result in revocation proceedings and any new sentence could be imposed consecutively.

I understand that I may be eligible to earn days of credit under the circumstances specified in section 2967.193 of the Revised Code. Days of credit are not automatically awarded under that section, but that they must be earned in the manner specified in that section.

Post Release Control (R.C. 2929.141 / 2943.032 / 2967.28). In addition, a period of supervision by the Adult Parole Authority after release from prison is;

_____ Felony sex offenses - Mandatory 5 years Initial _____
_____ F-1 which is **NOT** a sex offense – Not less than 2 years, up to 5 years Initial _____
_____ F-2 which is **NOT** a sex offense – Not less than 18 months, up to 3 years Initial _____
_____ F-3 which **is an offense of violence** and **NOT** a sex offense - Not less than 1 year, but up to 3 years Initial _____
_____ F-3 which is **NOT** an offense of violence and **NOT** a sex offense - Optional up to 2 years Initial _____
_____ F-4 which is **NOT** a sex offense - Optional up to 2 years Initial _____
_____ F-5 which is **NOT** sex offense - Optional up to 2 years Initial _____

A violation of any post release control rule or condition can result in a more restrictive sanction while I am under post release control, and increased supervision duration of supervision or control, up to the maximum term and reimprisonment even though I have served the entire stated prison term imposed on me by this Court for all stated offenses.

If I violate conditions of supervision while under post release control, the Parole Board could return me to prison for up to nine months for each violation, for a total of ½ of my originally stated prison term. If the violation is a new felony, I could receive a prison term of the greater of one year or the time remaining on post release control, in addition to any prison term imposed for the new offense.

I understand that any sanction/sentence imposed for a post-release control violation and/or termination is a mandatory sentence and must be served consecutive to any other sentence imposed.

□ Notice of Post-Release Control given in open Court to Defendant at Plea hearing.
□ Notice of Post-Release Control given in open Court to Defendant at Sentencing hearing.

Community Control. If this Court is not required by law to impose a prison sanction, it may impose community control sanctions or non-prison sanctions upon me. I understand that if I violate the terms or conditions of a community control sanction, the Court may extend the time for which I am subject to this sanction up to a maximum of 5 years, impose a more restrictive sanction, or imprison me up to the maximum stated term allowed for the [offense / offenses] as set out above.

Firearms. I understand that under Federal law, if I am convicted of a felony, I can never possess a firearm, even if the firearm belongs to someone else. If I am found in possession of a firearm after being convicted of a felony, I am subject to Federal prosecution.

Not Under the Influence. I understand the nature of these charges and the possible defenses I might have. I am satisfied with my attorney's advice and competence. I am not under the influence of drugs or alcohol. No threats have been made to me.

No Promises, Threats or Coercion. Defendant states this change of plea is not made under threat or coercion and that promises have been made except: (check applicable representation)

_____

_____

_____

I understand that by pleading GUILTY, I am giving up my right to a jury trial or Court trial, where I could confront and have my attorney question witnesses against me, and where I could use the power of the Court to call witnesses to testify for me. I know at trial I would not have to take the witness stand and could not be forced to testify against myself and that no one could comment if I chose not to testify. I understand I waive my right to have the Prosecutor prove my guilt beyond a reasonable doubt.

By pleading GUILTY I understand the Court will decide my guilt on offenses to which I have pled based on the facts as set forth in the indictment and upon the Prosecutor's statement about the evidence which would have been presented at trial. I know the Judge may either sentence me today or refer my case for a presentence report. I understand my right to appeal a maximum sentence, my other limited appellate rights and that any appeal must be filed within 30 days of my sentence.

Citizenship. I ☐ am I ☐ am not a citizen of the United States. I understand the consequences of a conviction upon me if I am not a U.S. citizen. (ORC 2943.031)

Veteran. I ☐ am I ☐ am not a Veteran.

I enter this plea voluntarily.

Signed and dated:

_____

Signature of Defendant / Date

_____

Attorney for Defendant / Date

_____

Prosecuting Attorney / Date

The Court has reviewed the negotiated plea agreement and pursuant to Crim. R. 11 inquired of the defendant on the record thereby concluding the same should be accepted as a free and voluntary change of plea as outlined.

_____ _____

DATE **JUDGE**

IN THE COURT OF COMMON PLEAS
GUERNSEY COUNTY, OHIO

STATE OF OHIO,

Plaintiff, **Case No. _____**

vs.

_____,

Defendant.

NOTICE OF NON-LIFE FELONY INDEFINITE PRISON TERM

In this case you will be subject to a non-life felony indefinite prison sentence by reason of your conviction for a qualifying non-life first-degree or second-degree felony committed on or after March 22, 2019, or by reason of your convictions for multiple such qualifying offense committed on or after that date.

Your indefinite prison sentence consists of a minimum term of _____ years and a maximum prison term of an indefinite term of _____ years. The indefinite term of your prison sentence will be calculated by the Court and will not exceed 150% of the sentence you receive on the most serious felony offense on which you are sentenced.

Additionally, if your sentence includes time imposed for a violation of Post Release Control, mandatory consecutive specifications, or any other mandatory consecutive sentence, it must be served prior the imposition of your indefinite prison term.

You are hereby notified of the following in relation to your indefinite prison sentence:

(i) It is rebuttably presumed that you will be released from service of the indefinite sentence on the expiration of the minimum prison term imposed as part of that sentence or on your presumptive earned early release date, as defined in R.C. 2967.271, whichever is earlier;

(ii) The Department of Rehabilitation and Correction may rebut the presumption if, at a hearing held under R.C. 2967.271, the Department makes specified determinations regarding your conduct while confined, your rehabilitation, your threat to society, your restrictive housing, if any, while confined, and your security classification;

(iii) If the Department at the hearing makes the specified determinations and rebuts the presumption, the Department may maintain your incarceration after the expiration of the minimum term or after that presumptive earned early release date for the length of time the Department determines to be reasonable, subject

to the limitation specified in R.C. 2967.271;

(iv) The Department may make the specified determinations and maintain your incarceration under the provisions described above more than one time, subject to the limitation specified in R.C. 2967.271;

(v) If you have not been released from service of the indefinite prison sentence prior to the expiration of your maximum prison term imposed as part of that sentence, you must be released from such service upon the expiration of that term.

DATE **JUDGE**

cc: Probation Department
Prosecuting Attorney
Attorney for Defendant
Defendant

IN THE COURT OF COMMON PLEAS
GUERNSEY COUNTY, OHIO

STATE OF OHIO,

Plaintiff, **Case No. _____**

vs.

JUDGMENT ENTRY

_____,

Defendant.

The Court finds that this day, the Defendant, in open Court, was advised of all constitutional rights and made a knowing, intelligent, and voluntary waiver of those rights pursuant to Crim. R. 11. The plea is accepted and is ordered filed. The Court finds the Defendant guilty of each offense to which the Defendant entered this plea.

A sentencing hearing is scheduled on _____ at _____.

A presentence investigation is ordered. Bond is _____.

Offense ☐ **is** ☐ **is not** a sexually oriented offense.

Offense ☐ **is** ☐ **is not** an offense subject to the violent Offender registration.

If this offense is classified a sexually oriented offense, this case shall come before the Court for a Sexual Offender Hearing, pursuant to O.R.C. §2950.04 and §2950.041, to determine what category of sexual offender shall be required for registration.

IT IS SO ORDERED.

_____ _____

DATE **JUDGE**

cc: Prosecuting Attorney
Attorney for Defendant
Defendant
Kelly Frymyer, Director of PSI/ORAS Services

Rev. 2024