**IN THE COURT OF COMMON PLEAS**
**GUERNSEY COUNTY, OHIO**

**STATE OF OHIO,**

**Plaintiff,** **Case No. _____**

**vs.**

**PLEA OF GUILTY PURSUANT TO R.C. 2951.041**

**_____,**

**Defendant.**

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. | Maximum Prison Term | Max. Fine | Mandatory Fine | License Suspension | Mandatory Sentence | Prison Presumed | Mandatory Consecutive |
|---|---|---|---|---|---|---|---|
| _____ | _____ | $_____ | $_____ | _____ | _____ | _____ | _____ |
| _____ | _____ | $_____ | $_____ | _____ | _____ | _____ | _____ |
| _____ | _____ | $_____ | $_____ | _____ | _____ | _____ | _____ |
| _____ | _____ | $_____ | $_____ | _____ | _____ | _____ | _____ |

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.

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

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;

_____ Optional up to 2 years (F/3 no physical harm, or threat of physical harm, F/4 and F/5) 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 Promises, Threats or Coercion.** Defendant states this change of plea is not made under threat or coercion. Further, Defendant states that no promises have been made except for as follows: (check applicable representation)

☐ The State of Ohio will recommend:

_____

_____

_____

☐ The State of Ohio will make no sentencing recommendations.

☐ That State of Ohio will seek restitution.

☐ The State of Ohio reserves the right to be heard at sentencing.

☐ The State of Ohio is / is not opposed to concurrent sentencing.

☐ The State of Ohio will not object to judicial release.

☐ The parties will stipulate to the following negotiated, recommended sentence.

_____

☐ Other: _____

_____

☐ A presentence investigation is Ordered.

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.**

**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 received a recitation of facts establishing a factual basis for the charges herein. The Court entered a finding of "Guilty" which shall be held in abeyance as Defendant is proceeding under Intervention in Lieu of Conviction.

A sentencing hearing is scheduled on _____ at _____.

A presentence investigation is ordered. Bond is _____.

Offense **[ ] is** **[ ] is not** a sexually oriented offense.

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