

Egbert

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SHEILA LESTER
CRAWFORD COUNTY

IN THE COURT OF COMMON PLEAS
CRAWFORD COUNTY, OHIO

STATE OF OHIO,	:	
	:	
PLAINTIFF,	:	CASE NO. 12-CR-0110
	:	
vs	:	JUDGE RUSSELL B. WISEMAN
	:	
JOHNNY E. CASTEEL, JR.,	:	JUDGMENT ENTRY
	:	
DEFENDANT.	:	

On September 17, 2012, Defendant's change of plea and sentencing hearing was held pursuant to Ohio Revised Code Section 2929.19. Defendant, Johnny E. Casteel, Jr., Attorney Zachary L. Tidaback, counsel for Defendant, and Ken Egbert, Jr., Assistant Ohio Attorney General for the State of Ohio, were present. Defendant was afforded all rights pursuant to Crim. R.32. The Court considered the record, oral statements, any victim impact statement, if applicable, as well as the principles and purposes of sentencing under Ohio Revised Code Section 2929.11 and has balanced the seriousness and recidivism factors under Ohio Revised Code Section 2929.12.

WHEREUPON, the Defendant moved the Court to withdraw his former plea of not guilty and entered a plea of guilty to Count One of the Indictment, Open Dumping, a violation of Ohio Revised Code, Title 37, Sections 3734.03 and 3734.99(A), an Unclassified Felony. The Court found said Motion well taken and accepted said plea of guilty. Both counsel informed the

court that the plea was a negotiated plea within the contemplation of Rule 11 (F) of the Ohio Rules of Criminal Procedure and the terms of the negotiated plea were entered into the record.

WHEREUPON, the Court advised the Defendant of his constitutional rights and upon further inquiry the Court determined that the Defendant was entering his plea of guilty to Count One of the Indictment, Open Dumping, a violation of Ohio Revised Code, Title 37, Sections 3734.03 and 3734.99(A), voluntarily and without any threats or promises other than those entered into the record; that the Defendant understood the nature of the charge and the maximum penalty involved with respect to the charge of Open Dumping; that the Defendant understood that the Court could immediately proceed to judgment and imposition of sentence.

The Court further determined that the Defendant understood that by his plea of guilty to the charge, he waived his right to a jury trial or trial to the Court; that he waived his right to confront witnesses against him and that he waived his right to have compulsory process issued for obtaining witnesses in his favor and that he waived his right to require the State of Ohio to prove his guilt beyond a reasonable doubt at trial at which he could not be compelled to testify against himself. The Court further found that the crime charged had been committed in Crawford County, Ohio and that the Defendant had knowingly, intelligently and voluntarily entered his plea of guilty to the charge and the Court accepted said plea and entered a finding of Guilty against the Defendant to the charge of Open Dumping, a violation of Ohio Revised Code, Title 37, Sections 3734.03 and 3734.99(A), an Unclassified Felony.

For the reasons stated on the record, and after considering the factors under Ohio Revised Code Section 2929.12, the Court found that a community control sanction is consistent with the

purposes and principles of sentencing in Ohio Revised Code Section 2929.11. The Court finds that the joint recommendation of both parties as to sentencing well taken and hereby adopts said joint recommendation.

It is therefore **ORDERED**, pursuant to Ohio Revised Code Section 2953.08(D), that the Defendant is hereby sentenced on the charge of Open Dumping, Count One of the Indictment, in violation of Ohio Revised Code, Title 37, Sections 3734.03 and 3734.99(A), an Unclassified Felony, to serve three (3) years of Community Control under the standard supervision of the Adult Probation Department with the following special conditions: Defendant shall serve fifty (50) hours of community service within two (2) years of entry of this sentencing order with the Crawford County Park District community service program or similar program, with said program to provide the probation department with proof of completion of said community service hours; in lieu of imposition of a fine, Defendant shall pay restitution in the total amount of \$3,500.00 payable to the Ohio Environmental Protection Agency (Ohio EPA) in lump sum payment or installment payments, \$350.00 of said restitution amount having been tendered at the time of sentencing, the remaining restitution payment(s) totaling \$3,150.00 to be paid in full within two (2) years of entry of this sentencing order, by certified check or money order payable to Ohio EPA with Crawford County Case No. 12-CR-110 and Defendant's name noted on each payment, and after a copy of each payment is provided to the probation department, each original payment to be forwarded by U.S. Mail to the Ohio Attorney General's Office, Environmental Enforcement Section, c/o Martha Sexton, Paralegal, 30 E. Broad Street, 25th Floor, Columbus, OH 43215; and Defendant also shall pay as restitution the cost of a quarter-page advertisement

regarding this offense of open dumping, for placement in the newspaper of general circulation in Crawford County for two consecutive weeks following sentencing, as agreed between the parties. The Defendant shall pay the costs of supervision and all court costs. The Defendant was advised of his appellate rights.

A violation of any of this sentence shall lead to a more restrictive sanction, a longer sanction, or a prison term of (2) two years for this offense. If the Defendant is sentenced to prison for a violation of community control, the Defendant has been advised and understands that upon completion of serving the prison term, the Defendant shall be subject to a period of post-release control of up to three (3) years as determined by the Parole Board pursuant to Ohio Revised Code Section 2967.28.

Defendant is ordered to report to the Adult Probation Department and to pay the \$15.00 monthly supervision fee permitted pursuant to Ohio Revised Code Section 2929.18(A)(4) and all court costs of this case including costs under Ohio Revised Code Section 2929.38.


JUDGE RUSSELL B. WISEMAN

Copies to:

Kenneth H. Egbert, Jr., Esq. – Counsel for State of Ohio
Zachary Tidaback, Esq. – Counsel for Defendant
Crawford County Office of Ohio Adult Parole/Probation

Courtesy Copy to:

Crawford County Prosecutor's Office