

10/21/09 clp

IN THE COURT OF COMMON PLEAS

STARK COUNTY, OHIO

STATE OF OHIO,

CASE NO. 2009CR1330 (A)

Plaintiff,

vs.

JUDGE V. LEE SINCLAIR

PLEA OF GUILTY (F5)

MICHAEL CLARK,

CRIMINAL RULE 11 (C)

Defendant.

I, MICHAEL CLARK, am represented by Attorney, ~~Kristina~~ *Jeffrey*

*Jeffrey* ~~Powers~~. My attorney and the Court have advised me that I am

charged with One Count of the crime of **Illegal Open Burning,**

**[R.C. 3734.03] - Unclassified Felony, One Count of the crime of**

**Illegal Emission of Air Contaminant, [R.C. 3704.05] - an**

**Unclassified Misdemeanor, and One Count of the crime of Water**

**~~Pollution, [R.C. 6111.04] and Unclassified Misdemeanor.~~**

I understand the penalty as to each count is as follows:

Count One: Shall be fined at least ten thousand dollars, but not more than twenty-five thousand dollars, or imprisoned for at least two years, but not more than four years, or both

Count Two: Fined not more than twenty-five thousand dollars or imprisoned not more than one year or both for each violation.

Count Three: Fined not more than twenty five thousand dollars or imprisoned not more than one year, or both.

I understand that upon conviction I will be required to submit a DNA sample pursuant to Ohio Revised Code Section 2901.07.

I understand that if I am now on felony probation or parole, this plea may result in revocation proceedings and a new sentence could be imposed consecutively.

In addition, I understand that if I am charged with more than one count, the court could sentence me to consecutive sentences on each count in the indictment.

I understand that I have also been charged with a misdemeanor for which sentence shall run concurrently to the felony offense.

I have been advised by my attorney and the court that in addition to my sentence, a period of control or supervision by the Adult Parole Authority after my release from prison is **optional** in this case. The control period may be a maximum term of **three** years. A violation of any post-release control rule or condition can result in a more restrictive sanction while released, an increased duration of supervision or control, up to the maximum set out above and /or re-imprisonment even though I have served the entire stated prison sentence imposed upon me by this court for all offenses set out above. Re-imprisonment can be imposed in segments of up to 9 months but cannot exceed a

maximum of 1/2 of the total term imposed for all of the offenses set out above. If I commit another felony while subject to this period of control or supervision I may be subject to an additional prison term consisting of the maximum period of unserved time remaining on post release control as set out above or 12 months whichever is greater. This prison term must be served consecutively to any term imposed for the new felony I am convicted of committing.

I have been advised by the Court that if I am convicted of a felony during which I caused or threatened physical harm to a person the parole board shall impose a minimum of one (1) year of post-release control.

I have been advised by the Court that even if I did not cause or threaten to cause physical harm to a person in the commission of this offense the parole board shall impose a minimum of one (1) year of post release control if in the past five (5) years I have been convicted of two or more felonies, any misdemeanor sex offense, any offense involving physical harm to others or DUI.

I have been advised by the Court that even if I did not cause or threaten to cause physical harm to a person during the commission of the offense that a minimum of one (1) year post release control shall be imposed if the sentencing entry in this case contains an order of restitution or an order to comply with any other sanction following release from prison, including a drug treatment program and drug and alcohol use monitoring.

I understand that if the court does not impose a prison

sanction, it may impose a community control sanction or non-prison sanction upon me. If I violate the rules or conditions of such a community control sanction, the court may extend the time for which I am subject to this sanction up to a maximum of five years, impose a more restrictive sanction, or imprison me for up to the maximum term allowed for the offenses as set out above.

I understand that my plea will result in a conviction for the crime or crimes charged; and that the Court can sentence me immediately after accepting my plea and upon completion of my sentencing hearing.

My attorney and the Court have advised me that by entering a Plea of **Guilty** I am waiving (giving up) the following Constitutional Rights:

1. My right to have a jury trial or a trial to the Court;
2. My right to confront witnesses against me;
3. My right to have compulsory process for obtaining witnesses in my favor (the right to subpoena witnesses in my favor);
4. My right to require the State to prove my guilt beyond a reasonable doubt;
5. My right not to be compelled to testify against myself.

I hereby acknowledge that I understand all of the above, and that all of the above terms have been explained to me.

In Open Court, this 21 day of OCT, 2009, I do hereby waive (give up) the rights listed above.

I hereby withdraw my former Plea of Not Guilty to the Indictment which was duly served upon me in this case.

I hereby enter a Plea of Guilty to the charges of: ~~One Count~~  
of the crimes of ~~Illegal Open Burning, [R.C. 3734.03] -~~  
~~Unclassified Felony, One Count of the crime of Illegal Emission~~ *Plaintiff*  
of Air Contaminant, [R.C. 3704.05] - an Unclassified Misdemeanor, *MC*  
and One Count of the crime of Water Pollution, [R.C. 6111.04] and  
Unclassified Misdemeanor.

No threats or promises have been made to me by anyone to  
secure my Plea of Guilty. *State Moves Open Burning and Illegal*  
*Air Emissions*

I acknowledge that I am pleading guilty freely and  
voluntarily.

I further acknowledge that I understand the nature of the  
charges and the maximum penalties involved upon conviction.

I have complete confidence in my lawyer and acknowledge that  
she has effectively and diligently represented me.

It is solely my own choice to enter a Plea of Guilty with  
full knowledge of the other alternatives available to me.

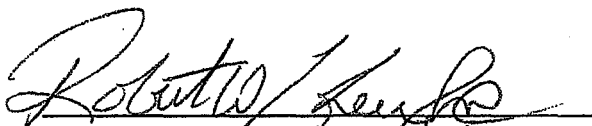
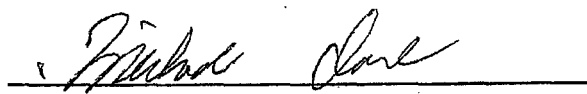

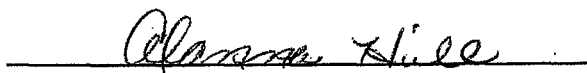
I understand my right to appeal a maximum prison term or if  
the sentence is contrary to law, and that any appeal must be  
filed within 30 days of my sentence. I understand the  
consequences of a conviction upon me if I am not a U.S. Citizen.

Dated this 21 day of Oct, 2009.

Signed in the presence of:



Plea Accepted - Judge

  
Asst. Prosecuting Attorney  
Asst. Attorney General  
Defendant  
Attorney for Defendant  
Court Reporter