

FILED
COMMON PLEAS COURT
DARKE COUNTY, OHIO

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ATTORNEY GENERAL OFFICE
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IN THE COMMON PLEAS COURT OF DARKE COUNTY, OHIO

STATE OF OHIO	:	CASE NO. 05-CR-13385
	:	
Plaintiff,	:	
	:	
vs.	:	Jonathan P. Hein, Judge
	:	
RONALD G. CLARK	:	
	:	
Defendant.	:	<u>JUDGMENT ENTRY</u> - Sentencing

This matter came before the Court this 17th day of February, in the year of our Lord, 2006.

The State of Ohio was represented by Carla Paren, the Assistant Attorney General, and the Defendant appeared with attorney Dean Ross. This matter came on for sentencing following the Defendant's conviction by a change of plea wherein the Defendant pled guilty to one count of **Unlawful Transportation of Hazardous Materials**, an unclassified felony, contrary to R.C. 3734.02(F).

The Court reviewed with the Defendant the Pre-Sentence Investigation prepared by the Adult Probation Department. The Assistant Attorney General, Mr. Ross and the Defendant were given opportunities to address the Court on the issue of sentencing. Further, the Court finds that the Defendant has been afforded all rights set forth in Criminal Rule 32.

Having considered the record, oral statements, any victim impact statement, the pre-sentence investigation, the principles and purposes of sentencing required by R.C. 2929.11, and the serious and recidivism factors of R.C. 2929.12, the Court thereupon proceeded to sentencing. The court finds that a community control sanction will not demean the severity of the offense, will adequately protect the public and will punish the defendant. The offense is balanced for severity; recidivism is likely.

IT IS, THEREFORE, ORDERED AND DECREED and it is the Judgment of this Court, that the Defendant be sentenced to serve a term of 2 years in the Ohio Department of Rehabilitations and Corrections, with imposition of the 2 years suspended on the conditions listed below. (and 0 days jail time credit). Further, the Defendant shall pay a fine of \$10,000 with \$8,000 suspended on the conditions listed below and the court costs incurred herein. The Defendant is placed on probation for a period of twenty-four (24) months subject to the conditions listed below.

IT IS, FURTHER, ORDERED AND DECREED and it is the Judgment of this Court, that the Defendant be sentenced to serve a community control sanction for a period of twenty-four (24) months, including the following sanctions:

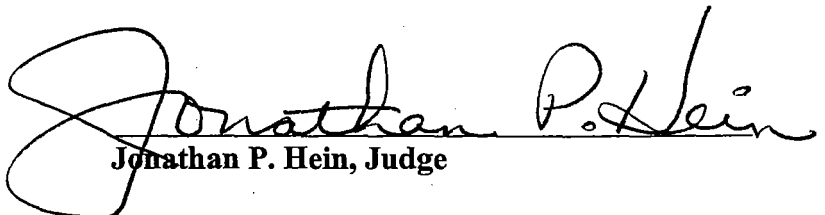
1. Report as Ordered.
2. Pay court costs within 12 months with monthly payments.
3. Pay restitution of \$3,000 within 24 months with monthly payments.
4. Pay a fine of \$2,000 within 18 months with monthly payments.
5. Perform 250 hours of community service.
6. Abstain from all alcohol and illegal drug usage, including abuse of prescription medications.
7. Provide a DNA sample to the Adult Probation Department.
8. Maintain employment; provide proof of earnings to Adult Probation Department.
9. Have no violations of an federal, state or local laws or ordinances of any nature.
10. Abide by rules and regulations of the Adult Probation Department, including random drug testing.

IT IS FURTHER ORDERED AND DECREED that a violation of the community control sanction imposed herein shall lead to more restrictive sanctions up to and including a prison term of two (2) years. The Defendant is given credit for no (0) days of jail previously served.

Upon completion of the prison term, the offender shall be subject to such further period of supervision under post release control as the parole board may determine pursuant to law. As authorized by law, the Adult Parole Authority may increase or reduce restrictions imposed by the parole board. If the defendant violates the terms of post-release control, the parole board may return the offender to prison for a maximum period of nine months for each violation, but the total period of additional prison time imposed by the parole board for violations while under post-release control shall not exceed one-half of the defendants stated prison term. If the defendant is convicted of a felony committed while under post-release control, the court having jurisdiction over the new felony may return the defendant to prison under this case for an additional period of time as authorized by law and any prison term for the new felony may be served consecutively with the extension of prison time in this case. If the court imposes additional prison time in this case, the defendant shall be credited with any additional prison time imposed by the parole board for the same violation.

The additional periods of time imposed by another court because of a felony committed while under post-release control in this case or by the parole board for violations in this case while in prison or on post-release control are part of the sentence in this case.

IT IS FURTHER ORDERED AND DECREED that the Defendant shall reimburse the State of Ohio and Darke County for costs of processing, supervision, confinement, indigent attorney fees and prosecution as authorized by law, including fees permitted pursuant to R.C. 2929.18(A)(4) and R.C. 2929.36, et. seq. The Defendant shall pay victim restitution of \$3,000. These orders of restitution and reimbursement are lump sum judgments enforceable pursuant to law, including certificates of judgment, by the parties in whose favor they are entered. Bond is released.


Jonathan P. Hein, Judge

cc: Prosecuting Attorney's Office
Carla Paren, Ass't Attorney General
Adult Probation Department
Dean Ross, Attorney for Ronald Clark

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