

IN THE COURT OF COMMON PLEAS  
COUNTY OF SUMMIT

THE STATE OF OHIO

Case No. CR-2020-10-2863

vs.

JOSEPH SENK

JOURNAL ENTRY

On June 14, 2023, now comes the Special Prosecuting Attorneys, SALLY MONTELL and KENNETH EGBERT, on behalf of the State of Ohio, the Defendant, being in Court with counsel, JOHN W. GREVEN, for sentencing pursuant to O.R.C. 2929.19. The Defendant was afforded all rights pursuant to Crim. R. 32. The Court has considered the record, statements of counsel, as well as the principles and purposes of sentencing under O.R.C. 2929.11, and the seriousness and recidivism factors under O.R.C. 2929.12.

On May 1, 2023 at trial commenced, and a Jury was duly empanelled and sworn at 12:15 P.M.

Thereafter, the trial not being completed, adjourned and reconvened and continued from day-to-day until May 2, 2023 at 3:00 P.M. At which time, the Jury having heard the testimony adduced by both parties hereto, the arguments of counsel, and the charge of the Court, retired to their room for deliberation.

And thereafter, to-wit: On May 2, 2023 at 4:00 P.M., said Jury came again into the Court and returned their verdict in writing of the following:

- Count 1, ILLEGAL TRANSPORTATION OF SCRAP TIRES-3734.83(A)/3734.99(F), an unclassified felony;
- Count 2, OPEN DUMPING-3734.03/3734.99(A), unclassified felony.

Thereupon, the Court inquired of the said Defendant if the Defendant had anything to say why judgment should not be pronounced; and having nothing but what had already been said and showing no good and sufficient cause why judgment should not be pronounced:

IT IS HEREBY ORDERED that the Defendant complete 2 years of community control with the following terms and conditions imposed:

1. Report to the Adult Probation Department as directed and abide by the rules and regulations of said Department and/or the Adult Parole Authority, refrain from offensive conduct of every nature, obey all laws, and pay a \$20.00 per month fee for services rendered by the Adult Probation Department; said monies to be paid to the Summit County Clerk of Courts, Courthouse, 205 South High Street, Akron, Ohio 44308-1662.
2. Provide a DNA sample pursuant to Sections 2901.07 and 2152.74 of the Ohio Revised Code.

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3. Refrain from all use of alcohol and mood-altering drugs, which includes the use of marijuana, medical or otherwise.
4. Submit to random urinalysis as directed by the Adult Probation Department.
5. If deemed appropriate, submit to an assessment for alcohol and drug dependency through the Community Health Center, or an appropriate agency as determined by the Adult Probation Department for substance abuse treatment. The Defendant shall follow through with all aftercare counseling and treatment as directed by the Adult Probation Department.
6. Pay a mandatory minimum fine in the amount of \$10,000.00.
7. Serve 90 days in the Summit County Jail with credit for 23 days time served.
8. Seek and maintain full-time gainful activity or employment; and/or enroll in some type of meaningful job training, educational or self-improvement program as directed by the Adult Probation Department.
9. Pay the costs of this prosecution and satisfy in full their Court costs and Adult Probation Department fee accounts. If any monies are owed towards restitution in this case, said monies to be applied to **restitution first**. Monies shall be paid to the Summit County Clerk of Courts, Courthouse, 205 South High Street, Akron, Ohio 44308-1662. Judgment is rendered against the Defendant in favor of the County Of Summit for court costs and fees incurred in this case. If the Defendant is unable to pay the court costs or fails to make timely payments towards that judgment under a payment schedule approved by the Court, the Court authorizes the Defendant to perform community services in an amount of not more than 40 hours per month until the court costs have been paid or until the Court is satisfied that the Defendant is in compliance with the approved payment schedule. The Defendant will receive credit upon the judgment at the specified hourly credit rate per hour of community service performed, and each hour of community service performed will reduce the judgment for court costs by that amount. The Defendant shall pay the supervision fees incurred in this case.

The court further notified the Defendant that the Defendant **may** be supervised on post-release control by the Adult Parole Authority for a **discretionary** period of **up to 2 years** after being released from prison, as determined by the Adult Parole Authority. If the Defendant is placed on post-release control and violates the terms and conditions of post-release control, the Adult Parole Authority may impose a residential sanction that may include a prison term of up to nine

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months, and the maximum cumulative prison term for all violations shall not exceed one-half of the stated prison term. If the Defendant pleads guilty to, or is convicted of, a new felony offense while on post-release control, the sentencing court may impose a prison term for the new felony offense as well as an additional consecutive prison term for the post-release control violation of twelve months or whatever time remains on the Defendant's post-release control period, whichever is greater.

The Defendant was further notified, pursuant to R.C. 2929.19(B)(4), that if the terms and conditions of community control are violated, the Court may (1) impose a longer time under the same sanction; (2) impose a more restrictive sanction; or (3) impose a prison term of up to **4 years on each count**. The Court notified the Defendant that if the Court imposes prison for a violation of the terms and conditions of community control, the Court will then make a determination as to whether the prison terms herein reserved will run CONCURRENT or CONSECUTIVE with each other.

The Court informed the Defendant of the right to appeal pursuant to Rule 32A2, Criminal Rules of Procedure, Ohio Supreme Court, and further the Court will appoint counsel to represent the said Defendant for purposes of appeal due to said Defendant's indigency.

Community control shall commence on June 14, 2023.



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ALISON McCARTY, Judge  
Court of Common Pleas  
Summit County, Ohio

/jnr

cc: Special Prosecutor [sally.montell@ohioattorneygeneral.gov](mailto:sally.montell@ohioattorneygeneral.gov)  
Special Prosecutor [kenneth.egbert@ohioattorneygeneral.gov](mailto:kenneth.egbert@ohioattorneygeneral.gov)  
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Page 3 of 4

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Registrar