

The attached proposed Entry is designed to emphasize requirements necessary for a single Regan-Tokes sentence. This entry is NOT meant to be exhaustive for other mandates, such as fines, sex offender / other registries, firearms specifications, restitution, license suspensions, and other collateral sanctions. If you wish to suggest improvements to the OCJPA Bench Book Committee, contact Judge Jonathan Hein commonpleas@co.darke.oh.us 937-547-7325 or Judge Scott Washam swasham@ccclerk.org or 330-424-7777 x 1116.

IN THE COMMON PLEAS COURT OF _____ COUNTY, OHIO

STATE OF OHIO	:	CASE NO. ____-CR-_____
	:	
Plaintiff,	:	Judge _____
	:	
vs.	:	
	:	
_____	:	
	:	
Defendant.	:	JUDGMENT ENTRY-Sentencing

This matter came before the Court on the ___th day of _____, in the year of our Lord Christ, 2019. The State of Ohio was represented by _____ the Prosecuting Attorney. The Defendant appeared along with attorney _____ Esq. This matter came on for sentencing following the Defendant’s conviction by **Guilty plea** to the following: _____, contrary to R.C. _____, a _____ degree felony, pursuant to S.B. 201, effective March 22, 2019.

The Court reviewed with the Defendant the Pre-Sentence Investigation prepared by the Adult Probation Department. Counsel 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, pre-sentence investigation, oral statements, any victim impact statement, 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 further finds that community control sanctions would demean the seriousness of the offender's conduct and its impact on the victim; that a sentence of imprisonment is commensurate with the seriousness of the offender's conduct and its impact on the victim; and that a prison sentence does not place an unnecessary burden on the state governmental resources. Prison accomplishes the principles and purposes of sentencing. The offense is _____ serious and the risk of recidivism is _____. The need to deter others from similar conduct and to protect the public necessitates the Defendant's imprisonment.

IT IS THEREFORE, ORDERED AND DECREED and it is the Judgment of this Court, pursuant to S.B. 201, that the Defendant be sentenced to serve an indefinite term of imprisonment of _____ years minimum to _____ years maximum in the Ohio Department of Rehabilitations and Corrections. The Defendant is entitled to ___ days local jail time credit (prior to and including _____, 2019) and is also entitled to credit for future days of confinement while awaiting transport to prison which credit is a reduction to the minimum and/or maximum term of imprisonment. Further, the Defendant shall pay the court costs.

Upon completion of the prison term, unless reduced by the parole board, the Defendant shall be subject to such further period of **mandatory** supervision for _____ years under post release control, 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 Defendant 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 Defendant's **minimum** 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 these cases 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 Defendant (is / is not) eligible for earned credit per R.C. 2967.193 and (is / is not) recommended for risk reduction sentence per R.C. 2929.143.

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.

Indefinite term advisements. Pursuant to S.B. 201, effective March 22, 2019, the following advisements are provided: (1) There is a rebuttable presumption of release after serving the minimum term or presumptive early release date, whichever is earlier; (2) ODRC may rebut the presumption through an administrative hearing process and thereby maintain the offender's incarceration for reasonable periods of duration up to the maximum term; (3) The criteria for ODRC to rebut the presumption and to maintain the offender's incarceration after serving the minimum term or presumptive early release date, whichever is earlier, include the following:

(1) During incarceration, the offender committed rule infractions that compromised a prison's security, compromised safety of staff or inmates, caused or threatened physical harm to staff

or inmates, or committed a law violation that was not prosecuted, and any infractions or violations which demonstrate the offender has not been rehabilitated, and / or that the offender's behavior demonstrates the offender continues to pose a threat to society; or

(2) regardless of the classified security level at time of the hearing, the offender had been placed in extended restrictive housing within the year preceding the hearing date; or

(3) at the time of the hearing, the offender is classified by DRC as a security level three, four, five, or higher.

If ODRC rebuts the presumption, ODRC may maintain the offender's incarceration in a state correctional institution under the sentence after the expiration of the minimum prison term or presumptive earned early release date for an additional reasonable period of incarceration determined by ODRC, not to exceed the maximum prison term.

Also, ODRC may maintain the offender's incarceration more than one time up to the maximum term; and (4) ODRC shall release of the offender on the expiration of the maximum term if the offender has not been released prior to the expiration of that term; (5) Except for "sexually oriented offenses," the Defendant may receive 5% to 15% earned reduction of minimum prison term credit (ERMPT) for "exceptional conduct or adjustment to incarceration" but there is no guarantee that ODRC will request ERMPT for the offender; (6) there is a presumption the ERMPT will be granted by the trial judge, but the trial court may determine to rebut the presumption and not grant ERMPT.

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), R.C. 2929.36, et. seq. and R.C. 2925.511. The Defendant shall not pay victim restitution since no data was provided by the victim. Any orders of restitution and reimbursement

are lump sum judgments enforceable pursuant to law, including certificates of judgment.

IT IS FURTHER ORDERED AND DECREED and it is the Judgment of this Court, that the Defendant shall be remanded into the custody of the Darke County Sheriff's Office to carry out this Order. Bond is released.

Judge

cc: Prosecuting Attorney's Office
_____, Attorney for Defendant (via email)

jph/criminal/sentence/sent-pen R/T