

2008 MAR 25 AM 8 22

CINDY PIKE  
CLERK

**IN THE COMMON PLEAS COURT OF DARKE COUNTY, OHIO**

STATE OF OHIO	:	CASE NO. 05-CR-13383
	:	
Plaintiff,	:	
	:	
vs.	:	JONATHAN P. HEIN, Judge
	:	
JOSEPH E. MENEFEE	:	
	:	
Defendant.	:	<u>JUDGMENT ENTRY</u> - Sentencing for Violations of Community Control Sanctions

This matter came before the Court on the 24th day of March, in the year of our Lord Christ, 2008. The State of Ohio was represented by Robert W. Cheugh, II, the Assistant Attorney General. The Defendant appeared with attorney Gail M. Dues. This matter came on for probable cause hearing for allegedly violating terms of community control sanctions as alleged by the Adult Probation Department. The Defendant was previously placed on community control sanctions for the following offense: **Unlawful Transportation of Hazardous Waste**, an unclassified felony, contrary to R.C. 2734.01.

The Court was advised that the Defendant would admit the violations as alleged. Further, the Defendant was advised of constitutional rights and the possible penalties and acknowledged understanding them. The Defendant then admitted the violations as alleged by the Adult Probation Department. It is, therefore, the finding of the Court that the Defendant has violated the terms of community control sanctions as alleged by the Adult Probation Department.

Having considered the record, oral statements, any victim impact statement, the pre-sentence investigation, the principles and purposes of sentencing required by RC 2929.11, and the

serious and recidivism factors of RC 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 adequately punish the Defendant. The offense is more serious; recidivism is unlikely.

**IT IS, THEREFORE, ORDERED AND DECREED** and it is the Judgment of this Court, that the Defendant's original terms and conditions of community control shall be reimposed and the term of community control shall be imposed for the additional term of 12 months with the Adult Probation Department (through February 17, 2009) under the original terms and conditions. Further, additional community control sanctions are Ordered as follows:

1. Serve 30 days in the Darke County Jail, with 0 days credit, to commence immediately.
2. Pay additional court costs and costs of prosecution with monthly payments.
3. Complete 50 additional hours of community service work.
4. Receive evaluations for substance abuse issues and follow all treatment recommendations.

**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. Further, the Defendant shall pay the fines as previously ordered and additional court costs, costs of prosecution and costs of incarceration.

Upon completion of the prison term, the Defendant 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 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 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), R.C. 2929.36, et. seq., and 2925.511. Prior orders of restitution remain in effect, including any lump sum judgment for restitution. 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: Attorney General's Office (via fax)  
Adult Probation Department  
Gail M. Dues, Attorney for Defendant (via fax)  
DCSO, Jail Section (via fax)

jph\criminal\sentence\pv-comm.ct3