

IN THE COURT OF COMMON PLEAS
ASHTABULA COUNTY, OHIO

THE STATE OF OHIO,)
)
 Plaintiff,)
)
 -vs-)
)
 AMERICAN SCRAP TIRE RECYCLERS,)
 INC.,)
)
 Defendant.)

CASE NO. 2010 CR 158

Judge Alfred W. Mackey

JUDGMENT ENTRY
Plea & Sentencing

FILED
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COURT OF COMMON PLEAS
ASHTABULA COUNTY, OHIO

This matter came on for plea and sentencing hearing on the 4th day of February, 2011. The State of Ohio was represented by Assistant Attorney General Robert W. Cheugh. The defendant, SANFORD SCHROLL, was present in Court and represented by his attorney, Todd Petersen.

Whereupon counsel for the defendant moved to withdraw the former plea of not guilty and entered a guilty plea to Count Five (5) of the Indictment, "OPERATING AND/OR MAINTAINING A SCRAP TIRE COLLECTION, STORAGE OR RECOVERY FACILITY WITHOUT A LICENSE," in violation of RC § 3734.81(A) and 3734.99, an unclassified felony.

Pursuant to plea negotiations, the State of Ohio has agreed to dismiss Counts One (1), Two (2), Three (3), Four (4), and Six (6) of the Indictment.

Upon inquiry of the Court, the defendant indicated that he was a United States citizen.

Thereupon the Court explained in detail to the defendant his constitutional right to a jury trial and all aspects thereof, together with the right of this defendant to test the validity of any statement or admission, if any had been made, and his further right to test

the validity of any search and seizure that may have been made of his property, either real or personal; the Court further explained to this defendant the nature of the crime with which he has been charged together with the statutory penalty that could be imposed, and further inquired of the defendant whether the withdrawal of such former plea of guilty and the entering of a plea of guilty to Count Five (5) of the Indictment, "OPERATING AND/OR MAINTAINING A SCRAP TIRE COLLECTION, STORAGE OR RECOVERY FACILITY WITHOUT A LICENSE," in violation of RC § 3734.81(A) and 3734.99, an unclassified felony; was his own personal desire and whether he fully understood all of the constitutional guarantees afforded him; whereupon the defendant answered both inquiries in the affirmative.

The defendant being asked whether he is guilty or not guilty of the offense charged in said Indictment, orally and in writing, says that he is guilty.

Thereupon the Court asked the defendant to explain in detail the full circumstances of events occurring at the time in question and such explanation was given by defendant's counsel in mitigation.

Therefore, it is the ORDER of this Court that the defendant's plea of guilty to Count Five (5) of the Indictment, "OPERATING AND/OR MAINTAINING A SCRAP TIRE COLLECTION, STORAGE OR RECOVERY FACILITY WITHOUT A LICENSE," in violation of RC § 3734.81(A) and 3734.99, an unclassified felony, is hereby accepted by the Court and entered of record.

Further on this date, defendant's sentencing hearing was held pursuant to Ohio Revised Code § 2929.19. The defendant was afforded all rights pursuant to Criminal Rule 32. The Court considered the record, oral statements, as well as the principles and

purposes of sentencing.

IT IS, THEREFORE, ORDERED, ADJUDGED AND DECREED, that the Court will follow the joint recommendation of the State of Ohio and defense counsel, that the defendant, SANFORD SCHROLL, is hereby sentenced to a term of Two (2) years of Community Control with defendant to be placed under monitored time with said community control to be suspended upon the condition that the defendant has complied with the clean-up standards as required by the Environmental Protection Agency.

The defendant was advised by the Court that a violation of this sentence may lead to a longer or more restrictive sanction for the defendant, including a prison term of Two (2) years. If the defendant violates the conditions of his community control and is incarcerated in prison, the sentence would run **concurrently** with the sentence imposed under Ashtabula County Court of Common Pleas Case Number 2010-CR-157. Upon completion of said prison term, the defendant was advised he would be subject to Post-Release Control for a period of Three (3) years. Any violation of defendant's Post-Release Control could result in a return to prison for one-half of the prison sentence; however, no single return to prison could exceed nine (9) months.

A \$10,000.00 fine will be imposed; however, the fine is suspended pursuant to defendant's compliance with the community control conditions.

Bond as previously set is hereby cancelled and held for naught, less any Clerk's fees which may be applicable.

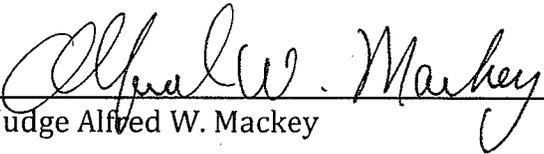
Costs of this matter are assessed to the defendant.

The defendant is ORDERED to report to the Ashtabula County Adult Parole

Authority forthwith.

The Adult Parole Authority shall conduct a Post-Sentence investigation in this matter.

IT IS SO ORDERED.



Judge Alfred W. Mackey

Pursuant to Civil Rule 58(B), the clerk of this Court is ordered to serve copies of the foregoing entry and its date of entry upon the journal to the following parties:

- **Robert W. Cheugh, Assistant Attorney General**
- **Todd Petersen, Esq.**
- **the Adult Parole Authority**

