

IN THE COURT OF COMMON PLEAS OF SANDUSKY COUNTY, OHIO

The State of Ohio
 Plaintiff
 vs.
 Alvin L. Wheeler
 Defendant

CASE NO. 07CR21

JUDGMENT

June 1, 2007

JUN 12 AM 10:42
 SANDUSKY COUNTY
 COMMON PLEAS COURT

This 1st day of June, 2007, came Prosecuting Attorney Thomas L. Stierwalt, on behalf of the State of Ohio, and the Defendant, with his court-appointed Counsel, Jeffrey A. Kane, for sentencing, the Defendant having previously entered a plea of **GUILTY** to the offense of **OPEN BURNING OR DUMPING**, as charged in Count One of the Indictment, a violation of R.C. 3734.03 and R.C. 3734.99, an Unclassified Felony.

Counsel for the Defendant and the Defendant were given the opportunity to address the Court in mitigation of punishment.

The Defendant is hereby placed on Community Control for a period of **FIVE (5) YEARS**, under the following terms and conditions:

The first year of Community Control shall be under Intensive Supervision Probation.

Defendant shall pay the costs of prosecution, for which costs judgment is awarded and execution shall issue thereon.

Defendant shall reimburse Sandusky County for the fees and expenses of his court-appointed counsel, and shall pay probation supervision and drug testing fees.

Defendant shall perform **ONE HUNDRED (100) HOURS** of community service.

Defendant shall make restitution in the sum of **\$5000.00** for costs of the burning investigation. Community Control shall distribute the proceeds to the appropriate agencies.

Defendant shall follow the Rules and Conditions of Community Control, as journalized upon the Docket.

The Court advised the Defendant that should he violate the terms and conditions of Community Control, a prison sentence of **FOUR (4) YEARS** will be imposed.

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The Court advised the Defendant that, under Federal and State Law, persons convicted of felonies can NEVER lawfully possess a firearm. The Court advised the Defendant that if he is ever found with a firearm, even one belonging to someone else, he will be prosecuted by federal authorities and subject to imprisonment for several years.

The Court advised the Defendant that he is subject to the provisions of R.C. 2901.07(B) which requires all persons who are convicted of or plead guilty to a felony offense to submit to DNA specimen collection procedures.

The Court makes a finding that the Defendant has the means, or in the future will have the means, to pay the financial sanctions imposed herein.

The Court advised the Defendant that should he be sentenced to prison, when he is released from prison the Parole Board may impose post release control for a period of three years, and that any violation of the conditions of post release control may, at the option of the Parole Board, result in the imposition of a residential sanction, which may include a new prison term, of up to one-half of the stated prison sentence imposed.

The Court advised the Defendant that if the violation of the terms of post release control involves commission of a new felony, the Court which imposes sentence for the new felony may also impose an additional prison sentence for this violation of post release control, which sentence must be served consecutively to any sentence imposed for the new felony. This additional prison sentence will be equal to the amount of time remaining on post release control, or twelve months, whichever is longer.

The Court advised the Defendant of his limited right of appeal, and that a Notice of Appeal must be filed within thirty days.

Upon motion of the Prosecuting Attorney, a nolle prosequi is hereby entered as to Count Two of the Indictment.

Bond released.


HARRY A. SARGEANT, JR., Judge

Copies to: Prosecuting Attorney
Community Control
Jeffrey A. Kana, Esq.