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BARBARA A. WIEDENBEIN
CLERK OF COMMON PLEAS COURT
CLERMONT COUNTY, OHIO

IN THE COURT OF COMMON PLEAS
CLERMONT COUNTY, OHIO

STATE OF OHIO, Plaintiff,	:	CASE NO. 09 CR 00939
vs.	:	JUDGE KENNETH ZUK
DONALD COMBS, Defendant.	:	**SENTENCING ENTRY**

This matter comes before the Court for sentencing on December 2, 2010 after Defendant, Donald Combs being found guilty by trial by jury. Present were Defendant, Donald Combs, pro se, and Assistant Attorneys General, Robert Cheugh and Christina Grasseschi representing the State of Ohio.

The Court finds that the Defendant was found guilty of Count One of the Indictment, Illegal Open Burning or Dumping, a violation of R.C. 3734.03 and Count Two, Air Pollution, a violation of R.C. 3704.05.

The Court having considered all the sentencing factors as expressed in R.C. 2929.11, 2929.12 and 2929.13 along with the pre-sentencing recommendation, recommendations of the parties and Defendant's criminal history, the Court imposes the following sentence:

COUNT ONE:

The Defendant, Donald Combs is sentenced to one year of incarceration, all but 30 days suspended on condition of satisfactory compliance with community control sanctions; Five (5) years of community control; $1,000 fine.

COUNT TWO:

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The Defendant, Donald Combs is sentenced to one year of incarceration, all but 30 days suspended on condition of satisfactory compliance with community control sanctions, time to run concurrent with Count One; $1,000 fine, five years of community control. JAIL TIME ON BOTH COUNTS TO BE SERVED IN THE CLERMONT COUNTY JAIL 12/3/10 /K

COMMUNITY CONTROL SANCTIONS:

The Defendant Donald Combs shall comply with all of the following conditions:

1. Comply with the Order of Permanent Injunction filed Clermont County Court of Common Pleas, case number 2009-CVH-1019.
2. Remove and dispose of all solid waste in an approved manner or become registered as a Class IV composting facility.
3. Immediately cease and desist the unauthorized burning and burial of solid waste on the property and remove and properly dispose of buried solid waste.
4. Remove and properly dispose of the scrap tires on the property or the tires must be emptied of water and stored so water does not accumulate in them.
5. Refrain permanently from any future violations of the Revised Code resulting in the creation of a public nuisance.
6. Comply with all recommendations regarding any violations of the Revised Code resulting in the creation of a public nuisance issued by the Clermont County Health District, Ohio Environmental Protection Agency, Hamilton County Environmental Services and Bureau of Criminal Identification & Investigation's Environmental Enforcement Unit.
7. Subject to Basic Supervision by the Adult Probation Department for a period of Five (5) years.

8. To complete and substance abuse and/or mental health treatment as recommended by the Adult Probation Department.

9. To pay all fines and court costs as directed by the Adult Probation Department.

10. To be assessed a supervision fee of $50 per month, not to exceed a total supervision fee of $500.00

11. To pay restitution in the amount of $676.65 to the Ohio BCI&I and pay $4,572.34 to the Ohio EPA.

12. To not consume or possess any alcoholic beverage during the period of community control.

13. Not to enter upon the premises of any business whose primary income is derived from the sale of alcoholic beverages, or primary activity involves the sale of alcoholic beverages.

14. Sign all medical waivers, authorization forms to release information and confidentiality waivers as requested by the Adult Probation Department.

15. To participate in 50 hours of community service.

16. The Defendant shall permit any type of test or sample to be taken for the purpose pf discovering alcohol/drug use. If a drug screen result is contested, the Defendant shall pay for the cost of sending the urine sample to a laboratory for additional testing.

17. Maintain verifiable full-time employment.

IT IS SO ORDERED.

JUDGE KENNETH ZUK