

FILED
COMMON PLEAS COURT

2013 OCT 25 AM 10 47

IN THE COURT OF COMMON PLEAS OF OTTAWA COUNTY, OHIO

STATE OF OHIO

CLERK OF COURTS
OTTAWA COUNTY, OHIO

Plaintiff

Case No. 12 CR 039; 13 CR 106

vs.

ALAN L. AULT

SENTENCING
JUDGMENT ENTRY

Defendant

This matter came before the Court on October 25, 2013 for sentencing hearing, pursuant to Ohio Revised Code 2929.19. The Defendant was present in Court with his attorney, Alan Konop, and Defendant was identified as Alan L. Ault, Date of Birth _____ and Social Security Numb _____ Assistant Ottawa County Prosecuting Attorney, David Boldt, represented the State. Defendant previously entered pleas of guilty and was found guilty of: Count #7 in Case 12 CR 039, Pandering Obscenity Involving a Minor, a felony of the second degree in violation of Ohio Revised Code Section 2907.321(A)(2); Count #12 as amended in Case 12 CR 039, Rape, a felony of the first degree in violation of Ohio Revised Code Section 2907.02(A)(2); Count #16 in Case 12 CR 039, Use of Minor in Nudity Oriented Material/Performance, a felony of the second degree, in violation of Ohio Revised Code Section 2907.323(A)(1); and Count #22 in Case 12 CR 039, Pandering Sexually Oriented Material Involving a Minor, a felony of the fourth degree in violation Ohio Revised Code Section 2907.322(A)(5).

Defendant was afforded all rights pursuant to Crim.R. 32. There being no objection, the matter proceeded to sentencing.

The Court has considered the record, oral statements, victim impact statements, and the pre-sentence report prepared, as well as the principles and purposes of

sentencing under Ohio Revised Code Section 2929.11. The Court further has balanced the seriousness and recidivism factors under Ohio Revised Code 2929.12. The Court finds that the more likely recidivism factors do not outweigh the less likely factors and that the more serious factors outweigh the less serious factors. The Court further finds that factors supporting Community Control Sanctions under Ohio Revised Code Section 2929.13 are not present and finds that the Defendant is not amenable to community control.

As to Count #7 in Case 12 CR 039, Pandering Obscenity Involving a Minor, the Defendant is sentenced to a prison term of eight (8) years in the Ohio Department of Rehabilitation and Corrections. As to Count #12 as amended in Case 12 CR 039, Rape, the Defendant is sentenced to a prison term of eleven (11) years in the Ohio Department of Rehabilitation and Corrections. As to Count #16 in Case 12 CR 039, Use of a Minor in Nudity Oriented Material or Performance, the Defendant is sentenced to a prison term of eight (8) years in the Ohio Department of Rehabilitation and Corrections. As to Count #22 in Case 12 CR 039, Pandering Sexually Oriented Material Involving a Minor, the Defendant is sentenced to a prison term of eighteen (18) months in the Ohio Department of Rehabilitation and Corrections. Said sentences shall be served consecutively to each other for a total period of incarceration of 28 and ½ years.

The Court finds that consecutive sentences are necessary to protect the public from future crime, to punish the offender, and that consecutive service is not disproportionate to the seriousness of the offender's conduct or to the danger the offender poses to the public. The Court further finds that at least two of the multiple offenses were committed as part of one or more courses of conduct, and the harm caused by two or more of the multiple offenses so committed was so great and/or unusual that no single prison term for any of

the offenses committed as part of any of the courses of conduct adequately reflects the seriousness of the offender's conduct.

Defendant is given credit for 592 days served as well as any days served while awaiting transport.

Defendant is remanded to the custody of the Ottawa County Sheriff for transportation.

Bond is hereby terminated and released.

Costs of proceedings are assessed against the Defendant for which judgment and execution is hereby awarded.

Pursuant to the agreement of the parties, Counts #1, #2, #3, #4, #5, #6, #8, #9, #10, #11, #13, #14, #15, #17, #18, #19, #20, #21, #23, #24, #25, #26, #27, #28, #29, #30, and #31 are hereby dismissed. Further, Case 13 CR 106 is hereby dismissed.

The Court explained the concepts of post release control and advised that he would be subject to a mandatory five year period of post-release control upon release from prison.

The Court advised the Defendant that as a convicted felon he may not use, possess, own, or have under his control a firearm.

The Defendant was again advised of his duties to register as a Tier III sex offender pursuant to Ohio Revised Code Section 2950.01 et seq.

The Defendant was advised by the Court and his Attorney of his right to appeal and that a notice of appeal must be filed within thirty days of the filing of this Entry.

The Defendant is remanded to the custody of the Ottawa County Sheriff for transportation.

The Ottawa County Clerk of Courts shall deliver a file-stamped copy of this Journal Entry to the Ottawa County Prosecutor, the Defendant's attorney, the Ottawa County Adult Probation Department, and the Ottawa County Sheriff.



BRUCE WINTERS, JUDGE