

FILED  
COMMON PLEAS COURT  
2014 FEB 12 PM 4 06

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OTTAWA COUNTY OHIO

IN THE COURT OF COMMON PLEAS OF OTTAWA COUNTY, OHIO

STATE OF OHIO

CASE NO. 12-CR-213; 13-CR-086

Plaintiff

VS

SENTENCING JUDGMENT ENTRY

FREDERICK B. HARDER

Defendant

On February 12, 2014, Defendant appeared in Open Court for sentencing hearing. Defendant was represented by attorney Howard Whitcomb; Ottawa County Assistant Prosecuting Attorney Andrew Bigler appeared on behalf of the State of Ohio. For purposes of identification, the Court finds that the Defendant is Frederick B. Harder, DOB and SSN

in Case Number 12 CR 213, the Defendant previously entered pleas of guilty and was found guilty of Count #1 Rape, a felony of the first degree in violation of Ohio Revised Code Section 2907.02(A)(2); Count #2, Rape, a felony of the first degree in violation of Ohio Revised Code Section 2907.02(A)(2); Count #4, Rape, a felony of the first degree in violation of Ohio Revised Code Section 2907.02(A)(2); and Count #6, Rape, a felony of the first degree in violation of Ohio Revised Code Section 2907.02(A)(2).

Defendant was afforded all rights pursuant to Crim.R. 32.

The Court has considered the record, oral statements, any victim impact statement, 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 serious factors outweigh the less serious factors and that the more likely factors do not outweigh the less likely factors.

As to Count #1 in Case 12 CR 213, the Defendant is sentenced to a prison term of ten (10) years in the Ohio Department of Rehabilitation and Corrections. As to Count #2 in Case 12 CR 213, the Defendant is sentenced to a prison term of ten (10) years in the Ohio Department of Rehabilitation and Corrections. As to Count #4 in Case 12 CR 213, the Defendant is sentenced to a prison term of ten (10) years in the Ohio Department of Rehabilitation and Corrections. As to Count #6 in Case 12 CR 213, the Defendant is sentenced to a prison term of ten (10) years in the Ohio Department of Rehabilitation and Corrections. Said sentences shall be served consecutively for a total period of incarceration of 40 years.

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

Defendant is given credit for 443 days served as of February 12, 2014, as well as any days served prior to transportation.

Defendant is remanded to the custody of the Ottawa County Sheriff for transportation to the Ohio Department of Rehabilitation and Corrections.

Defendant was again informed of his duty to register as a Tier III Sex Offender.

Pursuant to agreement of the parties, COUNTS #3, #5, and #7 through #37 in Case 12 CR 213 are hereby dismissed. In addition, Case 13 CR 086 is hereby dismissed.

Defendant is **ORDERED** conveyed to the custody of the Ohio Department of Rehabilitations and Corrections forthwith.

The Court advised the Defendant that as a convicted felon he may not use, possess, own, or have under his control a firearm, nor is he permitted to hunt with a firearm.

The Defendant is ordered to pay all costs of prosecution.

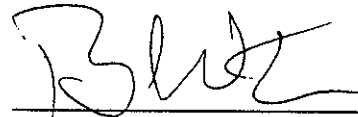
Defendant shall submit a DNA sample as required by law.

Bond is hereby released and terminated, The Defendant is remanded into the custody of the Ottawa County Sheriff for transportation.

The Defendant was advised by the Court and his Attorney advised him of his right to appeal and that said appeal must be filed within 30 days of this Court's final entry.

The Court explained the concepts of post release control and that Defendant is subject to a **mandatory** five year period of post release control.

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 and the Ottawa County Adult Probation Department.



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BRUCE WINTERS, JUDGE