

James

FILED
COMMON PLEAS COURT

2011 SEP 2 AM 11 18

JENNIFER WILKINS
CLERK OF COURTS
OTTAWA COUNTY, OHIO

IN THE COURT OF COMMON PLEAS OF OTTAWA COUNTY, OHIO

STATE OF OHIO

CASE NO. 06-CR-028
07-CR-051
11-CR-069

Plaintiff

VS

SENTENCING JUDGMENT ENTRY

SCOTT A SPEER

Defendant

On September 1, 2011, Defendant appeared in Open Court for Sentencing Hearing with counsel Bradley Barbin; Mark Mulligan appeared on behalf of the State of Ohio. The Defendant previously entered a plea of guilty and was found guilty of Count One of the Information, Obstructing Official Business, A Felony of the Fifth Degree, in violation of Ohio Revised Code Section 2921.31(A) and Count Two of the Information, Negligent Vehicular Homicide, a Misdemeanor of the First Degree, in violation of Ohio Revised Code Section 2903.06(A)(3)(a). For purposes of identification, the Court finds the Defendant is Scott A. Speer, whose Date of Birth is 06/18/1965, and whose Social Security Number is

There being no objection the matter then proceeded to sentencing. 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. The Court also considered the factors set forth in Ohio Revised Code Section 2929.13 as well as the fact that Defendant has previously served 14 months and 17 days of incarceration and was subject to nearly 18 months of electronic monitoring while on bond. Therefore, the Court finds Defendant is amenable to community control

It is hereby **ORDERED** that Defendant serve a **prison term of twelve (12) months in the Ohio Bureau of Rehabilitation and Corrections** as to Count #1 and a term of **six (6) months in the Ottawa County Detention Facility** as to Count #2. Said sentences are to be served consecutively and are hereby suspended. Defendant is placed on community control for a period of two years under the following residential and non-residential sanctions:

RESIDENTIAL:

The Defendant shall serve 90 days in the Ottawa County Detention Facility. Said days are to be served at the discretion of the Probation Department. Defendant is not given credit for any days previously served to satisfy this condition of community control.

NON-RESIDENTIAL:

Defendant is granted community control subject to the general conditions of community control, which are filed of record in Journal Volume 639, pages 384-387, and

are hereby made part of this order by reference. Defendant shall follow the advice and directions of, and be subject to the supervision of the Probation Department of this Court.

The Defendant shall pay the costs of prosecution.

Defendant shall pay a supervision fee of \$300.00 plus 2% poundage.

Defendant shall complete 300 hours of community service with no credit given for community service performed prior to today.

The Defendants driving privileges are hereby suspended for a period of one year pursuant to Ohio Revised Code Section 2903.06(C). Defendant is not given credit for any prior suspension. Defendant is granted driving privileges for work purposes.

The Defendant shall attend a minimum of three AA/NA meetings per week and provide documentation of attendance to the Adult Probation Department.

Pursuant to plea agreement, Case No. 06 CR 028 and 07 CR 051 are hereby dismissed.

Bond is hereby terminated and released.

As a convicted felon, the Defendant no longer has the privilege to own, possess, have under his control, or carry a firearm or dangerous ordinance, nor does the Defendant have the privilege to hunt with a firearm or dangerous ordinance.

The Court explained the concepts of post release control and advised that he would be subject to a discretionary three year period of post-release control should a prison term be imposed.

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 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