

COURT OF COMMON PLEAS, BELMONT COUNTY, OHIO
ST. CLAIRSVILLE, OHIO

State of Ohio

Plaintiff

Case No. _____

vs.

PLEA OF GUILTY PETITION

Defendant

After consulting with my counsel, I, _____, hereby withdraw my former Plea of Not Guilty and enter a Plea of Guilty to the following offense(s):

<u>Count/Specification</u>	<u>Offense/Specification</u>	<u>O.R.C.</u>	<u>Level</u>	<u>Indefinite Sentence</u>	
_____	_____	§ _____	F- _____	Y _____	N _____
_____	_____	§ _____	F- _____	Y _____	N _____
_____	_____	§ _____	F- _____	Y _____	N _____
_____	_____	§ _____	F- _____	Y _____	N _____

Sentencing Maximum Penalty – I understand that the maximum penalty as to each offense is as follows:

I. DEFINITE SENTENCING

<u>Offense/Specification</u>	<u>Maximum Prison Term (Years/Months)</u>	<u>Prison Term is Mandatory/Consecutive</u>	<u>Maximum Fine</u>	<u>Mandatory Fine</u>	<u>O/L Suspension</u>
_____	_____	_____	_____	_____	_____
_____	_____	_____	_____	_____	_____
_____	_____	_____	_____	_____	_____
_____	_____	_____	_____	_____	_____

II. INDEFINITE SENTENCING

<u>Offense/ Specification</u>	<u>Minimum Term (Years)</u>	<u>Maximum Term*</u>	<u>Prison Term Mandatory</u>	<u>Maximum Fine</u>	<u>Mandatory Fine</u>	<u>O/L Suspension</u>
_____	_____	_____	_____	_____	_____	_____
_____	_____	_____	_____	_____	_____	_____
_____	_____	_____	_____	_____	_____	_____
_____	_____	_____	_____	_____	_____	_____

*Maximum Term = Minimum Term plus One Half (1/2) of Minimum Term

Prison terms for multiple charges, even if consecutive sentences are not mandatory, may be imposed consecutively by the Court.

Court costs, restitution and other financial sanctions including fines and reimbursement for the costs of any sanctions may also be imposed.

I understand that if I am now on felony probation or parole, or under a community control sentence, or under post-release control from prison, this plea may result in revocation proceedings and any new sentence could be imposed consecutively. I know any definite prison term stated will be served without good time credit. I also know that any indefinite prison term will be served with possible good time credit, unless imposed as a sex offender.

Post-Release Control – If I receive a prison sentence, the Adult Parole Authority, with conditions that they determine, will do the following that apply upon my release:

<u>Offense and Degree</u>	<u>Mandatory</u>	<u>Discretionary</u>	<u>Duration</u>
Any Felony Sex Offense (as Defined in O.R.C. §2967.28(A)(3))	Yes	No	5 Years
Other Felony 1	Yes	No	2 - 5 Years*
Other Felony 2	Yes	No	1.5 – 3 Years*
Offense of Violence: Felony 3 *DRC will impose any definite period imposed by the Court	Yes	No	1 – 3 Years*
Felony 3, 4 or 5 **DRC will decide the length of the term, if at all	No	Yes**	0 – 2 Years

A violation of any post-release control rule or condition can result in a more restrictive sanction while I am under post-release control, and increased duration of supervision or control, up to the maximum term and re-imprisonment even though I have served the entire stated prison term imposed upon me by this Court for all offenses. If I violate conditions of supervision while under Post-Release Control, the Parole Board could return me to prison for up to nine (9) months for each violation, for a total of one-half (½) of my originally stated prison term. If the violation is a new felony, I could receive a prison term of the greater of one (1) year or the time remaining on post-release control, in addition to any other prison term imposed for the offense.

Community Control - If this Court is not required by law to impose a prison sanction, it may impose a community control sentence. I understand that if I violate the terms or conditions of that community control sentence, the Court may extend the time for which I am subject to supervision up to a maximum of five (5) years, impose a more restrictive sanction, or imprison me for up to the maximum stated term allowed for the offense(s) as set out above.

I understand the nature of these charges and the possible defenses I might have. I am satisfied with my attorney's advice and competence. I am not under the influence of drugs or alcohol. No threats have been made to me. No promises have been made except as part of this plea agreement stated entirely as follows:

I, however, understand that this is merely a recommendation to the Court and is not binding upon the Court; the Judge may, therefore, choose to accept, reject or modify this recommendation.

I understand and waive my following rights:

1. To have a trial by the Court or by a jury of twelve (12) people;
2. To require the State to prove me guilty beyond a reasonable doubt as to each element of each charge;
3. To confront by cross-examination each of the State's witnesses;
4. To have compulsory process of the Court to make my own witnesses appear and testify for me;
5. To not testify at my trial with no one being permitted to comment on my silence and with the Court explaining to the jury that they may not consider my silence as any evidence whatsoever of my guilt.

By pleading Guilty I admit committing the offense(s) and will tell the Court the facts and circumstances of my guilt. I know the Judge may either sentence me today or refer my case for a presentence investigation. I

understand my right to appeal my sentence, my right to the assistance of counsel throughout that appellate process, and that any appeal must be filed within thirty (30) days of the date of my sentence. However, I also understand that if the Court accepts and imposes a stipulated and agreed sentence, I then also waive my appellate rights. I understand the consequences of a conviction upon me if I am not a United States citizen.

I enter this plea knowingly, intelligently, and voluntarily.

DATED: _____

JUDGE

Defendant

Attorney for Defendant

Attorney for State