

AGREED PLEA

COURT OF COMMON PLEAS
HAMILTON COUNTY OHIO
CRIMINAL DIVISION

State of Ohio

Case No. _____

-vs-

JUDGE NESTOR

Defendant

ENTRY WITHDRAWING PLEA
OF NOT GUILTY AND
ENTERING PLEA OF GUILTY TO
AN AGREED SENTENCE

I, _____, defendant in this case, do hereby freely and voluntarily withdraw my former plea of NOT GUILTY and enter a plea of GUILTY to the offense(s) of:

Count No.	Name of Offense/O.R.C. Section	Degree	Potential sentence range (Years/Months)	Mandatory Prison term	Maximum Fine (Amount)
					\$
					\$
					\$
					\$

I understand and acknowledge that I have agreed with the prosecution on the following recommended sentence:

DEFENDANT'S Initials_____.

I understand the maximum penalty as set out above, and any mandatory prison term during which I am NOT eligible for judicial release. I understand the maximum fine possible is \$_____, of which \$_____ is mandatory. I understand that restitution, other financial costs and driver's license suspension are possible in my case. If I am currently on felony probation or parole, this plea may result in revocation proceedings and any new sentence could be imposed consecutively.

I understand that that I may be eligible to earn days of credit under the circumstances set forth in RC 2967.193. I further understand that the days of credit are not automatically earned, but must be earned in the manner specified in that section.

After release from prison, I understand the following possible terms of post release control: I **shall** be supervised on post release control for each offense that is one of the following: **any felony sex offense: 5 years; a felony of the first degree (F1), 2-5 years; a felony of the second degree (F2), eighteen months to 3 years; any felony of the third degree (F3) where I caused or threatened physical harm to a person, 1-3 years.** I **may** be supervised on post release control **for up to 2 years**, as determined by the parole board, for any of the following: **a felony of the third degree (F3) which does not involve physical harm or threatened harm to a person; a felony of the fourth degree (F4); and a felony of the fifth degree (F5).**

The parole board could return me to prison for up to nine (9) months for each violation of those conditions for a total of 50% of my stated term. If I commit a new felony while on post-release control, I may be punished both for the violation of post-release control and the new offense. At sentencing for the new felony, I may then receive a prison term for the violation for post-release control of up to the remaining period of post-release control or one (1) year, whichever is greater. A prison term imposed for the violation shall be served consecutively to any prison term imposed for the new felony.

I understand that before the Court can impose consecutive sentences that the court must make findings pursuant to RC 2929.14. I understand that any mandatory terms or any specification terms, if applicable, must be served prior to and consecutive to any other term of incarceration.

If I am granted community control at any point in my sentence and if I violate any of the conditions imposed, I may be given a longer period under community control, greater restrictions, or a prison term for the maximum reserved term. Community control may last 5 years.

I understand the nature of these charges and the possible defenses I might have. I am satisfied with my attorney's advice, counsel and competence. I am not under the influence of drugs or alcohol at this time. I have not been forced or threatened in any way to cause me to sign and offer this plea.

I understand by pleading guilty I give up my Constitutional rights to a jury trial, to confront witnesses against me, to have subpoenaed witnesses in my favor, and to require the state to prove my guilt beyond a reasonable doubt at a trial at which I cannot be compelled to testify against myself.

I understand that my plea of guilty is a complete admission of my guilt of the charge(s). I know the judge may either sentence me today or refer my case for a pre-sentence report. I understand my right to appeal a maximum sentence, my other limited appellate rights, and that any appeal must be filed within 30 days of my sentence.

*I understand that by pleading guilty, the trial judge may, in addition to or independent of all other penalties provided by law or by ordinance, suspend or revoke my driver's license or commercial driver's license or permit or nonresident operating privilege for a period of not less than six (6) months or more than five (5) years.

I understand that if I am sentenced to serve time in prison, jail, or a community-based correctional or detention facility, I will be required to submit a DNA specimen which will be collected at the prison, jail, correctional or detention facility. I also understand that if I do not submit the required specimen at the time of my intake processing at the prison, jail, correctional or detention facility, I will be required to submit a DNA specimen prior to my release. I further understand that if my sentence includes any period of probation or community control, or if I am at any time on parole, transitional control or post-release control, I will be required to submit a DNA specimen to the probation department, adult parole authority, or other authority as designated by law.

I am _____ am not _____ (initial) a citizen of the United States of America. I understand that if I am not a citizen of the United States, a conviction of the offense(s) to which I am pleading guilty may have the consequence of deportation, exclusion from admission to the United States, or denial of naturalization pursuant to the laws of the United States. I have discussed the consequences of this plea on my residence status with my attorney.

I have read this form and I knowingly, voluntarily and intelligently enter this **GUILTY** plea.

Signature of Defendant

I have explained to the defendant prior to his/her signing this plea, the charge(s) in the indictment or information, the penalties therefore and his/her Constitutional rights in this case. I represent that, in my opinion, the defendant is competent to enter this plea and now does so knowingly, intelligently and voluntarily.

Attorney for Defendant

Assistant Prosecuting Attorney

(If applicable) Dismiss Counts
