

GUILTY PLEA/AGREED RECOMMENDED SENTENCE

**COURT OF COMMON PLEAS
HAMILTON COUNTY, OHIO
CRIMINAL DIVISION**

STATE OF OHIO : No. _____

Plaintiff : Judge Wagner

vs. : **ENTRY WITHDRAWING PLEA OF
NOT GUILTY AND ENTERING
PLEA OF GUILTY WITH AN
AGREED RECOMMENDED
SENTENCE**

_____ :
Defendant :

I, _____, the defendant in the above cause, hereby freely and voluntarily withdraw my former plea of not guilty and enter a plea of GUILTY to the offense(s) of:

COUNT NUMBER	NAME OF OFFENSE / R.C. SECTION	DEGREE	POTENTIAL SENT. RANGE (YRS/MOS)	POTENTIAL MAX TERM ¹	MANDATORY PRISON TERM	MAXIMUM FINE
_____	_____	_____	_____	_____	_____	\$ _____
_____	_____	_____	_____	_____	_____	\$ _____
_____	_____	_____	_____	_____	_____	\$ _____
_____	_____	_____	_____	_____	_____	\$ _____
_____	_____	_____	_____	_____	_____	\$ _____

I understand and acknowledge that I have agreed with the prosecution on a potential sentence, to wit: _____

_____ (initial)

I understand that I am facing a maximum potential prison term or, if I am pleading to a qualifying felony offense, an aggregate minimum prison term of _____² and, if I am pleading to a qualifying felony offense, a potential maximum sentence of _____³.

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, 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, parole, community control, post-release control or transitional control, this plea may result in _____

¹ Only for qualifying offenses as defined in 2929.144. The potential maximum term is 1.5x the potential sentence.

² The maximum potential prison term or potential aggregate minimum prison term is whatever prison term would be imposed if the court were to impose the lengthiest prison sentence possible for each count and specification, and were to run everything consecutively.

³ The potential maximum sentence is determined by adding ½ the maximum prison term for the most serious qualifying offense to the potential aggregate minimum prison term. Only the most serious qualifying offense is used. If there are no qualifying offenses, please write "N/A" on this line.

revocation proceedings and any new sentence could be imposed consecutively.

I understand that any sentence that includes a sentence for a qualifying first or second degree felony will include a minimum and maximum prison term. I understand that if I am sentenced to a minimum and maximum prison term that there is a presumption of release at the end of the minimum term, but that the Department of Rehabilitation and Correction, as set forth in R.C. 2967.271, may rebut that presumption and has authority to keep me incarcerated through the end of the maximum term. I understand that, under R.C. 2967.271, the Department of Rehabilitation and Correction may rebut the presumption if it determines, at a hearing, that one or more of the following apply:

- (1) Regardless of the security level in which I am classified at the time of the hearing, both of the following apply:
 - (a) During my incarceration, I committed institutional rule infractions that involved compromising the security of a state correctional institution, compromising the safety of the staff of a state correctional institution or its inmates, or physical harm or the threat of physical harm to the staff of a state correctional institution or its inmates, or committed a violation of law that was not prosecuted, and the infractions or violations demonstrate that I have not been rehabilitated;
 - (b) My behavior while incarcerated, including, but not limited to the infractions and violations specified in R.C. 2967.271(C)(1)(a), demonstrate that I continue to pose a threat to society.
- (2) Regardless of the security level in which I am classified at the time of the hearing, I have been placed by the Department in extended restrictive housing at any time within the year preceding the date of the hearing.
- (3) At the time of the hearing, I am classified by the Department at security level three, four, or five, or at a higher security level.

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.

I understand that I may be eligible to earn days of credit under circumstances specified in R.C. 2967.193. I understand that for any offense that includes a minimum and maximum term that I may be eligible for an earned reduction of my minimum prison term of between 5% and 15% of my minimum term under the circumstances specified in R.C. 2967.271 and via guidelines established by the Department of Rehabilitation and Correction for exceptional conduct while incarcerated. These potential reductions to my sentence are not automatically awarded, but must be earned in the manner specified in that statute.

After release from the Department of Corrections, I understand that I shall be supervised on post-release control for each offense that is one of the following: any felony sex offense – five years; a non-sex felony of the first degree (F1) – two to five years; a felony of the second degree (F2) – eighteen months to three years; a felony of the third degree (F3) where I caused or threatened physical harm to a person – one to three years. I may be supervised on post-release control for up to two 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 physical harm to a person; a felony

of the fourth degree (F4); or a felony of the fifth degree (F5). The parole board could return me to prison for up to nine 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 for the new offense. At sentencing for the new felony, I may then receive a prison term for the violation of post-release control of up to the remaining period of post-release control or one 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 further understand that being convicted of certain offenses may come with registration duties. The offenses I am pleading to involve the following registration requirements (check all that apply and attach the appropriate forms to this plea):

- Sexual offender or child victim offender registration (attach Sex Offender/Child Victim Offender Registry Plea Addendum)
- Arson offender registration (attach Arson Offender Registry Plea Addendum)
- Violent offender registration (attach Violent Offender Database Plea Addendum)
- None of my offenses have registration requirements

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 court control, greater restrictions, or a prison term for the maximum term. Community control may last up to five 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, coerced or threatened in any way to cause me to sign and offer this plea.

I understand that 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. In addition to waiving my constitutional rights described above, I also waive any rights I may have to submit to a jury any fact that is necessary to support a sentence differing in type or duration from that which is authorized by the facts established by my guilty plea or admitted by me and I agree to allow the judge to determine such facts, if any, at the sentencing hearing.

I understand that my plea of guilty is a complete admission of my guilt of the charge(s) against me. I know the judge may either sentence me today or refer my case for a presentence 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 my 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 months or more than five years.

* Where applicable

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 understand that my failure to submit to the DNA specimen collection procedure will subject me to arrest and punishment for violating this condition of my probation, community control, transitional control or post-release control.

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 read this form, as well as any attached forms, 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 therefor 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

Dismiss Counts (if applicable): _____

(Rev. 9-22-21)