

GUILTY PLEA.RT

COURT OF COMMON PLEAS  
HAMILTON COUNTY, OHIO  
CRIMINAL DIVISION

THE STATE OF OHIO  
Plaintiff

: CASE No. \_\_\_\_\_

-vs-

:  
JUDGE PATRICK T. DINKELACKER  
:

\_\_\_\_\_  
Defendant

: ENTRY WITHDRAWING PLEA OF  
NOT GUILTY AND ENTERING  
PLEA OF GUILTY

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/ O.R.C. Section | Degree | Potential Sentence Range (Years/Months) | Potential Max Term <sup>1</sup> | Mandatory Prison Term | Maximum Fine (Amount) |
|--------------|---------------------------------|--------|---|---------------------------------|-----------------------|-----------------------|
|              |                                 |        |   |                                 |                       | \$                    |
|              |                                 |        |   |                                 |                       | \$                    |
|              |                                 |        |   |                                 |                       | \$                    |
|              |                                 |        |   |                                 |                       | \$                    |

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 \_\_\_\_\_<sup>2</sup> and, if I am pleading to a qualifying felony offense, a potential maximum sentence of \_\_\_\_\_.<sup>3</sup>

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 or parole, this plea may result in 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:

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

<sup>2</sup> 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.

<sup>3</sup> The potential maximum sentence is determined by adding 1/2 the maximum prison term for the most serious qualifying offense being pleaded guilty to with 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.

- (1) Regardless of the security level in which the offender is classified at the time of the hearing, both of the following apply:**
  - (a) During the offender's incarceration, the offender committed institutional rule infractions that involved compromising the security of the 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 the offender has not been rehabilitated.**
  - (b) The offender's behavior while incarcerated, including, but not limited to the infractions and violations specified in division (C)(1)(a) of this section, demonstrate that the offender continues to pose a threat to society.**
- (2) Regardless of the security level in which the offender is classified at the time of the hearing, the offender has 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, the offender is classified by the department as a security level three, four, or five, or at a higher security level.**

**I know any prison term stated will be the term served without good time credit. After prison release, I will be supervised on post-release control as for each offense, that is: F1 and each sex offense = five (5) years; F2 = three (3) years; F3 where I caused or threatened physical harm to a person = three (3) years; and I may be supervised for each F3, F4, or F5 for up to three (3) years. 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 of post-release control of up to the remaining period of post-release control or one (1) year, which ever is greater. A prison term imposed for the violation shall be served consecutively to any prison term imposed for the new felony.**

**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 five (5) years.**

**I understand the nature of these charges and the possible defenses I might have. I am satisfied with my attorney's advise, 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 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 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 to 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 the statute.**

**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. 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 exceeding the maximum 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). 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 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 form \_\_\_\_)
- Arson offender registration (attach form \_\_\_\_)
- Violent offender registration (attach form \_\_\_\_)
- None of my offenses have registration requirements

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, parole, transitional control or post-release control.

I 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 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.

(If applicable) Dismiss Counts: \_\_\_\_\_

\_\_\_\_\_  
Attorney for Defendant

\_\_\_\_\_  
Assistant Prosecuting Attorney  
Revised 05/06

\* Where applicable