IN THE SUPREME COURT OF OHIO

Please time stamp
and return.

ALRENZO BLANDIN
607 MARION-WILLIAMSPORT
ROAD EAST
P.O.BOX 1812
MARION, OHIO 43301,

Relator,

-Vs-

BECK, ALLEN COUNTY SHERIFF
301 N. MAIN STREET
P.O.BOX 1243
LIMA, OHIO 45802-1243,

Respondent.

Plaintiff-Appellee.

Original Action In Mandamus

07-0330

COMPLAINT FOR A WRIT OF MANDAMUS

Alrenzo Blandin #538-507, (Acting Pro Se.)
670 Marion-Williamsport Rd. East
P.O.Box 1812
Marion, Ohio 43301

Counsel for Appellant, Pro Se.

Juergen Waldick (Counsel of Record)
Allen County Prosecutor
Civil Division
204 N. Main Street
P.O.Box 1243
Lima, Ohio 45802-1243

Counsel for Appellee.

FILED
FEB 20 2007
MARCIA J. MENGEL, CLERK
SUPREME COURT OF OHIO

CASE HISTORY

On August 3, 2005, petitioner was arrested by the Allen County Sheriff's Department and booked into the *Allen County Jail.*[1]On page two of the property inventory sheet the petitioner is documented as having ($1058.00) *one thousand and fifty-eight* dollars taken of his person and placed into his commissary account, for which he was issued a receipt on the same day.[2]According to the *"Allen County Jail, Inmate Rules", "money that the inmate has in his possession at the time of his arrest will be deposited into his commissary account."*[3]On December 22, 2006 the petitioner was released to the Ohio Department of Rehabilitations and Corrections in Orient, Ohio, without being reimbursed the ($1058.00) one thousand and fifty-eight dollars originally taken from him on the day of his arrest.

MEMORANDUM IN SUPPORT

The petitioner asserts that he has requested these funds be released to him on several occasions, but has received no response from the Sheriff's Office in this matter. The petitioner further asserts that he has no adequate remedy through the ordinary course of law to compel the Sheriff to release his funds to him, and turns to this extraordinary writ for relief.

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[1] (Exhibit "A".)
[2] (Exhibit "A", pg.2)
[3] (Exhibit "B", pg.7)

In the *States Response to Defendant's Motion For Judgment to Use Physical Evidence*[4], the State of Ohio listed the physical evidence it used at trial in the prosecution of the petitioner. The petitioner notes that the ($1058.00) one thousand and fifty-eight dollars taken from his person at the County Jail is *not* listed among these items, as it was never taken as evidence against the petitioner. Additionally, upon his conviction, the jury did not consider the matter of the Defendant's money; accordingly, the Court's sentence entry[5] is silent on the matter. The petitioner now knows that the ($1058.00) one and fifty-eight dollars taken from his person at the County Jail was not implicated in his conviction and sentence, and therefore demands reimbursement from the Allen County Sheriff. "Exhibit B" clearly states *that "all funds will remain on your account till you are released then your booking balance will be sent to your address furnished at your time of booking."*[6]

In *STATE EX REL. v. POLICE & FIRE PENSION FUND*, 858 N.E.2d 380, the Supreme Court stated that:

"An abuse of discretion occurs when a decision is unreasonable, arbitrary, or unconscionable." (Id, at 381.)

The petitioner believes that the Allen County Sheriff had a clear duty pursuant to the Inmate Rules, imposed by himself, to forward the ($1058.00) one thousand and fifty-eight dollars taken from his person at the County Jail to the address specified at the time

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[4] (Exhibit "C")
[5] (Exhibit "D")
[6] (Exhibit "B", pg.9)

the petitioner was booked into the jail. As clearly indicated on his inventory sheet,[7] this would be 1206 W. Leeland Street, Lima, Ohio 45805. The Sheriff's continued failure to comply with this procedure is clearly arbitrary, unreasonable, and unconscionable. He has no valid reason for failing to return the petitioners money.

CONCLUSION

The petitioner would request that an order be issued to the Allen County Sheriff compelling him to fulfill his duty to reimburse the petitioner for the money taken off his person while at the County Jail. The petitioner states that because of the untimely delay the petitioner no longer resides at the address listed on the initial booking inventory[8] and would ask that any funds be sent to 14432 Bensley Avenue, Burnham, Illinois 60633.

Respectfully Submitted,

2/07/07

Alrenzo Blandin, (Acting pro se.)

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[7] (Exhibit "A", pg.1)
[8] (Exhibit "A", pg.1)

Attachment not scanned

IN THE SUPREME COURT OF OHIO

Affidavit of Verity

State of Ohio }
} ss:
County of Marion }

I, Alrenzo Blandin, Petitioner here in, after being duly sworn and cautioned under the penalty of perjury, hereby state that the statements made within this **complaint for a writ of mandamus** are well and truly made to the best of my knowledge, belief and memory. I was booked into the Allen County Jail on August 3, 2005 and never received back the funds stated within this complaint from the Sheriff upon my release.

FURTHER AFFIANT SAYETH NAUGHT.

2/07/07

Signature of Alrenzo Blandin 538-507

NOTARY PUBLIC

Sworn to and subscribed before me in my presence, a Notary Public for the State of Ohio, County of Marion, on this 7 day of February, 2007.

Brandy L. Miller

Signature of Notary

NOTARY PUBLIC STATE OF OHIO

Brandy L. Miller
Notary Public-State of Ohio
My Commission Expires
11/2010

Attachment not scanned

Property Inventory

Inmate Name: BLANDIN, ALKENZO Blotter #

Receiving Officer: Hunter 390 Rack# File#

Rings: 3. Gold Color

Watches: 1 Gold Color

Bracelets:

Earrings:

Necklaces: 1 Gold Color

Knives:

Guns:

Keys: 16

Belts: 1 BLK

Shoes: 2 BLK.

Coats:

Hats: 1 BLU

Shirts: 1 BLK.

Neckties:

Pants: 1 BLU

Socks: 2 WHT.

Underclothes: 1 BLK

Dress:

Nail Clippers:

Pens/Pencils:

Pagers:

Combs/Brush:

Credit Cards:

Misc: 1 BLK WALLET

1 [illegible]

Property Verification:

Inmate Signature:

Date: 8-03-05

$1058.00

Exhibit "A"

Releasing Officer:

Inmate Signature:

Date:

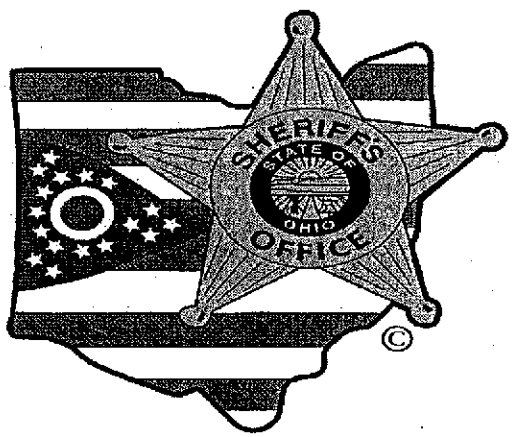
Attachment not scanned

Allen County Sheriff's Office

Allen County Justice Center

Daniel W. Beck Sheriff

Inmate Rules



Rev: November 14, 2006

Exhibit "B"

Allen County Justice Center
Inmate Rules of Conduct

Introduction:

The following rules state what is expected of you and what the jail officials can do for you while you are incarcerated at the Allen County Justice Center. You will be required to read these rules. If you cannot understand them or read them, then you will need to ask the Correction staff to read them to you. Your signature on the conduct card will indicate that you have read and understand these rules. These rules are intended to insure your safe custody, decent living conditions and fair treatment for all inmates.

A. Management:

1. This Jail is managed and controlled by the Sheriff and his staff. The Sheriff and his staff are required by law to maintain security and decent living conditions and fair treatment for all inmates. No inmate has the right to assign work to you or have control or supervision over you. Exceptions to the rules and regulations may be granted only by the Jail's administrator or the Sheriff of Allen County.

B. Medical Procedure:

1. Procedure for obtaining Medical, Dental and/or Psychological Treatment

Sick call is conducted 5 days a week and Doctor visits will be conducted 3 days a week. Inmates who feel they need medical or dental treatment must complete a medical request form. Inmate requesting psychological services must complete a medical request form addressed to counselor Darrell Craft. Medical request forms are available in each housing unit. The inmate will enter his/her name and state their medical/psychological complaint. The Nurse will collect the medical request slips during medication rounds. The nurse will triage each request and schedule a physician's appointment on a as needed basis.

2. Emergency Medical Treatment

Inmates who require emergency medical treatment will advise the correction officer on duty. The corrections officer will immediately render emergency first aid (if required). The correction officer will consult with Jail Physician or nurse pertaining to the inmates condition

Exhibit
" B "

K. Food Service:

1. You will be served three (3) meals a day at regular intervals. The food will be Wholesome and of the type available in the community. Since food is expensive, you must not waste it. The menu has been previously established by a licensed dietician for nutritional balance and content. Meal serving times will be as follows:

Morning	6:00 am
Noon	11:00 am
Evening	5:00 pm

2. Inmates are not permitted to save food in their room.

L. Commissary:

1. There is a Commissary available so inmates may purchase such items as candy, coffee, chips, pop, kool-aid, and personal hygiene items. Commissary privileges will be available every Tuesday. There is a limit of $35.00 per week. Money that the inmate has in his possession at the time of his arrest will be deposited into his commissary account. Money orders must be mailed to PO Box 1243, Lima, Ohio, 45801 for deposit into inmates account. Money orders must have inmates name and date of birth on them. Money must be in account 1 day prior to ordering.

2. Indigent prisoners or those with a balance of less than $1 at the time of booking or for two weeks are eligible for a welfare pack consisting of 2 stamps, 2 envelopes and 2 pieces of writing paper. Indigent packs are delivered each Wednesday.

3. The Commissary will furnish various games to the cell blocks.

M. Library:

1. Magazines will be supplied to the day-hall of each cell block for random use by each inmate.

2. A daily newspaper will be issued to each cell block.

Exhibit
" B "

N. Personal Cleanliness:

1. It is important that you keep yourself clean. You are required to bathe as soon as you come into the jail and at least three (3) times a week while you are in jail. Bathing facilities will be provided to you on a daily basis. Shaving equipment will be placed into the cellblocks at 7:00 a.m. each morning and removed by 9:00 a.m. or when completed.

2. A correction officer may require an inmate to bathe whenever he may deem it condusive to the health of the prisoner or the sanitary welfare of the jail. This also applies to the trimming of the hair and beard. All cells will be kept clean by the inmates assigned to that cell. All other areas in the cell blocks will be kept clean by the inmates living in that area. The cells will be inspected daily and any work assigned to you will be complied with.

3. Towels, sheets, blankets and pillowcases are changed weekly. Briefs and uniforms will be changed twice a week.

4. A jail barber will be available as needed.

O. Care of Living Quarters:

1. All prisoners, both sentenced and unsentenced must keep their cells clean at all times. This includes cleaning the walls, windows, floors, doors, bunks, making of beds, and cleaning the toilets and basins. The cleaning materials will be put in the cell blocks at 11:00 p.m. and removed at 2:00 a.m. ALL INMATES must have there bunks made by 9:00 a.m.

2. Any accumulation of excessive personal property in cells will be removed and placed with their personal property. No property or material will be hung or placed on the cell walls or windows. No food shall be kept in the cell except commissary items.

P. Recreation:

Inmates will be provided 5 hours of exercise per week.

1. Inmates will follow all instruction given to them upon entering the recreation yard.

2. Inmates will not act in a disorderly manner by being loud, abusive or fighting.

Exhibit
" B "

Q. Property Release:

1. Inmates wanting to release property to family members must do so by filling out a property release slip. The form can be obtained from your floor CO.

2. When filling out the property release slip, Inmates must name the specific person picking the property up and must name the specific property to be released to the person.

3. Property releases are conducted Monday – Friday from 8:00 a.m. to 9:00 a.m. Your property **will not** be released to family members if you do not have a property release slip filled out and on file in Booking prior to their arrival. The person picking up property must present a valid state identification card.

1. Items that can be released

   A. Jewelry
   B. Watches
   C. Cell phones
   D. Keys
   E. Excessive amounts of clothing and/or personal items.
   F. Payroll check.

2. Items that **cannot** be released.

   A. Clothing
   B. Identification Cards
   C. Human service identification card and/or food stamp card.
   D. No money will be released out of the commissary account.
   (All funds will remain on your account till you are released then your balance will be sent to your address furnished at your time of booking)

R. Inmates transferred to the **Ohio Department of Rehabilitation** and Corrections will have (5) five business days, from the date they are sentenced, to have there personal property picked up. Any property not picked up within this time will result in all the personal property being destroyed by the inmate prior to leaving the Allen County Justice Center.

1. Upon completion of sentencing inmate will be given a transport property release slip to be filled out prior to returning to designated cell block.

Exhibit "B"

2005 AUG 15 PM 1:46

CLERK OF COURTS
ALLEN COUNTY, OHIO

IN THE COURT OF COMMON PLEAS, ALLEN COUNTY, OHIO

STATE OF OHIO	:	CASE NO: CR2005 0169
Plaintiff	:	
-vs-	:	
ALRENZO BLANDIN	:	STATE'S RESPONSE TO DEFENDANT'S MOTION FOR JUDGMENT TO USE PHYSICAL EVIDENCE
Defendant	:	

The State intends to use the following listed physical evidence at trial:

1. All cocaine and crack cocaine that gave rise to charges in the indictment.
2. $550.00 counterfeit U.S. cash.
3. Edlund digital scales.
4. One (1) blue bag – containing power charger & one plastic bag containing paper bag containing plastic bag containing off-white substances.
5. One (1) set U.S. digital scales.
6. Two (2) bottles Inositol.
7. Shoebox with miscellaneous paperwork.
8. Heat sealer & 3 rolls of bags.
9. Partial box 32 auto shells.
10. Clear plastic bag containing off-white rock like substance.
11. $20.00 counterfeit U.S. bill.
12. Twenty five hundred dollars in U.S. currency.
13. Glass plate with residue credit card & razor blade.

Respectfully submitted,

M. DANIEL BERRY #0023371
Assistant Prosecuting Attorney
Allen County, Ohio
Court of Appeals Building, Suite 302
204 N. Main Street
Lima, OH 45801

Exhibit
"C"

PROOF OF SERVICE

I hereby certify that a copy of the foregoing was served upon Marie A. Vonderembse, Attorney for Defendant, 212 N. Elizabeth, Suite 310, Lima, Ohio 45801 this 15th day of August, 2006 by hand delivery.

M. DANIEL BERRY #0023371
Assistant Prosecuting Attorney

Exhibit
"C"

RECEIVED

DEC 15 2006

COMMON PLEAS COURT
FILED

2006 DEC 14 AM 10: 50

GINA C. STALLY CURLEY
CLERK OF COURTS
ALLEN COUNTY, OHIO

IN THE COURT OF COMMON PLEAS, ALLEN COUNTY, OHIO

STATE OF OHIO

PLAINTIFF

-VS-

ALRENZO O. BLANDIN

DEFENDANT

CASE NO. CR2005 0350

JUDGMENT ENTRY OF CONVICTION AND SENTENCING

JUDGE JEFFREY L. REED

INDICTMENT FOR: COUNT 1 - POSSESSION OF CRACK COCAINE, felony 4, R.C. 2925.11 (A)&(C)(4)(b);
COUNT 2 - POSSESSION OF POWDER COCAINE, felony 5, R.C. 2925.11 (A)&(C)(4)(a);
COUNT 3 - POSSESSION OF CRACK COCAINE, felony 1, R.C. 2925.11 (A)&(C)(4)(f);
COUNT 4 - POSSESSION OF POWDER COCAINE, felony 2, R.C. 2925.11 (A)&(C)(4)(d);

This 18th day of August, 2005, defendant personally present in open Court with counsel, Kenneth J. Rexford; State of Ohio represented by an Assistant Prosecuting Attorney. Defendant acknowledged service of a copy of the indictment; waived the reading thereof; waived any statutory waiting period and tendered a plea of **NOT GUILTY** to the charges as contained in the indictment.

This 5th day of December, 2006, defendant personally present in open Court, representing himself; Jerome R. Doute, appearing as shadow counsel. State of Ohio represented by M. Daniel Berry and Alissa M. Sterling, Assistant Prosecuting Attorneys. The State of Ohio, through Assistant Prosecuting Attorney Alissa M. Sterling, made an oral motion to amend Count Three of the indictment to Possession of Crack Cocaine, felony 1, pursuant to R.C. 2925.11 (A)&(C)(4)(e), and said motion to amend was approved by the Court.

This 5th day of December, 2006, matter proceeded to jury trial. Thereupon came the following named persons who were duly impaneled and sworn, to-wit:

Exhibit
"D"

John Bowers	Andrew Selvaggio
Jamie Pellegrini	Daniel Hays
Carly Neil	Steven E. Sciranka
Heather Andrews	Mary Bryan
Karen Long	Deborah Hall
Jaclyn Sollars	John Sealts

ALTERNATE: Stephen Klingler

Court recessed until the following day.

This 6th day of December, 2006, defendant personally present in open Court, representing himself; Jerome R. Doute, appearing as shadow counsel. State of Ohio represented by M. Daniel Berry and Alissa M. Sterling, Assistant Prosecuting Attorneys. An opening statement was made on behalf of the State of Ohio. An opening statement was made on behalf of the defendant. Evidence was presented on behalf of the State of Ohio. Court recessed until the following day.

This 7th day of December, 2006, defendant personally present in open Court, representing himself; Jerome R. Doute, appearing as shadow counsel. State of Ohio represented by M. Daniel Berry and Alissa M. Sterling, Assistant Prosecuting Attorneys. The Court ordered the trial continued until Tuesday, December 12, 2006 due to one seated juror having a previously scheduled appointment on Friday, one seated juror unavailable this date because of illness, and the alternate juror unavailable on Friday due to a death in the family. Trial continued until Tuesday, December 12, 2006.

This 12th day of December, 2006, defendant personally present in open Court, representing himself; Jerome R. Doute, appearing as shadow counsel. State of Ohio represented by M. Daniel Berry and Alissa M. Sterling, Assistant Prosecuting Attorneys. Evidence continued to be presented on behalf of the State of Ohio. Exhibits were tendered and ruled upon by the Court for admission into evidence. State of Ohio then rested its case. Whereupon the defendant moved the Court for a Directed Verdict of acquittal on the charges contained in the indictment. The Court overruled the Motion for a Directed Verdict of Acquittal as to all charges. Evidence was presented on behalf of the defendant. Court recessed until the following day.

This 13th day of December, 2006, defendant personally present in open Court, representing himself; Jerome R. Doute, appearing as shadow counsel. State of Ohio represented by M. Daniel Berry and Alissa M. Sterling, Assistant Prosecuting Attorneys. Evidence continued to be presented on behalf of the defendant. Exhibits were tendered and ruled upon by the Court for admission into evidence. Defendant renewed his motion for acquittal under Rule 29, and the same was again overruled by the Court. Defendant rested his case.

Final arguments were presented by the State of Ohio and the defense. The Court charged the jury, and the jury retired for deliberation purposes at 1:52 P.M.

Exhibit
" D "

Whereupon, on this 13th day of December, 2006, at 3:48 P.M. came the said jury, conducted into open Court by the bailiff, the said defendant, representing himself, and Jerome R. Doute, shadow counsel, being present in open Court, along with M. Daniel Berry and Alissa M. Sterling, Assistant Prosecuting Attorneys, representing the State of Ohio. The said jury returned its verdict, signed by all twelve jurors, to-wit:

VERDICT - COUNT 1 -
"We, the jury, being duly impaneled, sworn and affirmed, find the defendant, ALRENZO O. BLANDIN, **GUILTY** of POSSESSION OF CRACK COCAINE IN AN AMOUNT THAT EQUALED OR EXCEEDED ONE GRAM BUT DID NOT EXCEED FIVE GRAMS, as charged in Count One of the indictment.

Signed this 13th day of December, 2006.

VERDICT - COUNT 2 -
We, the jury, being duly impaneled, sworn and affirmed, find the defendant, ALRENZO O. BLANDIN, GUILTY of POSSESSION OF COCAINE, as charged in Count Two of the indictment.

Signed this 13th day of December, 2006.

VERDICT - COUNT 3 -
We, the jury, being duly impaneled, sworn and affirmed, find the defendant, ALRENZO O. BLANDIN, GUILTY of POSSESSION OF CRACK COCAINE IN AN AMOUNT THAT EQUALED OR EXCEEDED TWENTY-FIVE GRAMS BUT DID NOT EXCEED ONE HUNDRED GRAMS, as charged in Count Three of the indictment.

Signed this 13th day of December, 2006.

VERDICT - COUNT 4 -
We, the jury, being duly impaneled, sworn and affirmed, find the defendant, ALRENZO O. BLANDIN, GUILTY of POSSESSION OF COCAINE IN AN AMOUNT THAT EQUALED OR EXCEEDED ONE HUNDRED GRAMS BUT DID NOT EXCEED FIVE HUNDRED GRAMS, as charged in Count Four of the indictment.

Signed this 13th day of December, 2006."

The jury was polled by the Court at the request of the defendant.

Exhibit
" D "

The Court accepted the verdict as returned by the jury and the defendant was convicted of Count One, Possession of Crack Cocaine, a felony of the 4th degree, as indicted; Count Two, Possession of Powder Cocaine, a felony of the 5th degree, as indicted; Count Three, Possession of Crack Cocaine, a felony of the 1st degree, as previously amended; and, Count Four, Possession of Powder Cocaine, a felony of the 2nd degree, as indicted.

This matter proceeded to sentencing pursuant to R.C. 2929.19 this 13th day of December, 2006, with the Defendant being personally present in open Court, representing himself, and Jerome R. Doute, appearing as shadow counsel. State of Ohio represented by M. Daniel Berry and Alissa M. Sterling, Assistant Prosecuting Attorneys. Following statements to the Court by the State of Ohio regarding sentencing, the defendant was given an opportunity to speak and to present witnesses and was afforded all rights pursuant to Crim.R. 32. The Court has considered the record, oral statements, any victim impact statement, any pre-sentence report, the purposes and principles of sentencing under R.C. 2929.11, the seriousness and recidivism factors relevant to the offense and offender pursuant to R.C. 2929.12, and the need for deterrence, incapacitation, rehabilitation and restitution.

The Court finds that the defendant has been convicted of:

COUNT ONE - POSSESSION OF CRACK COCAINE,
A VIOLATION OF R.C. 2925.11 (A)&(C)(4)(b);
A FELONY OF THE 4TH DEGREE;

COUNT TWO - POSSESSION OF POWDER COCAINE,
A VIOLATION OF R.C. 2925.11 (A)&(C)(4)(a);
A FELONY OF THE 5TH DEGREE;

COUNT THREE - POSSESSION OF CRACK COCAINE,
A VIOLATION OF R.C. 2925.11 (A)&(C)(4)(e);
A FELONY OF THE 1ST DEGREE;

COUNT FOUR - POSSESSION OF POWDER COCAINE,
A VIOLATION OF R.C. 2925.11 (A)&(C)(4)(d);
A FELONY OF THE 2ND DEGREE;

The Court finds that a mandatory prison term is required by divisions (F) of R.C. 2929.13 and 2907.02 (B) relative to Counts Three and Four; and, a prison term is presumed in Count One.

The Court further finds the following factors apply regarding the offender, the offense, or the victim, pursuant to R.C. 2929.12(B), (C), (D), and (E).

R.C. 2929.12(B):
The defendant committed the offense as a part of an organized criminal activity.

Exhibit
D

R.C. 2929.12(D):

The defendant previously has a history of criminal convictions, including Trafficking in Crack Cocaine in 1997.

The defendant has not been rehabilitated to a satisfactory degree after previously being adjudicated a delinquent child pursuant to R.C. Chapter 2151 or the defendant has not responded favorably to sanctions previously imposed for criminal convictions.

The defendant shows no genuine remorse for the offense.

The Court further finds that the defendant was born on NOVEMBER 4, 1964.

The Court further finds, pursuant to R.C. 2929.13 (B)(1), that the defendant previously served a prison term.

The Court further finds that, after considering the factors set forth in R.C. 2929.12, a prison term **is** consistent with the purposes and principles of sentencing set forth in R.C. 2929.11 and the defendant **is not** amenable to an available community control sanction.

The Court further finds that a combination of community control sanctions **would** demean the seriousness of the defendant's conduct and its impact on the victim, that a sentence of imprisonment **is** commensurate with the seriousness of the defendant's conduct and its impact on the victim and that a prison sentence **does not** place an unnecessary burden on the state governmental resources.

IT IS HEREBY ORDERED that the defendant serve a stated term of:

18 MONTHS in prison under **COUNT ONE** for the violation of R.C. 2925.11 (A)&(C)(4)(b), which **is not** a mandatory term pursuant to R.C. 2929.13(F), 2929.14(D)(3) or 2925;

12 MONTHS in prison under **COUNT TWO** for the violation of R.C. 2925.11 (A)&(C)(4)(a), which **is not** a mandatory term pursuant to R.C. 2929.13(F), 2929.14(D)(3) or 2925;

10 YEARS in prison under **COUNT THREE** for the violation of R.C. 2925.11 (A)&(C)(4)(e), which **is** a mandatory term pursuant to R.C. 2929.13(F), 2929.14(D)(3) or 2925;

8 YEARS in prison under **COUNT FOUR** for the violation of R.C. 2925.11 (A)&(C)(4)(d), which **is** a mandatory term pursuant to R.C. 2929.13(F), 2929.14(D)(3) or 2925;

IT IS FURTHER ORDERED the prison term imposed in each count is to be served **CONSECUTIVE** to each other.

Exhibit

"D"

IT IS FURTHER ORDERED the defendant shall pay a mandatory fine of $20,000.00 on Count 3; and, pay a mandatory fine of $15,000.00 on Count 4. Said mandatory fines shall be disbursed as follows:

Allen Co. Sheriff's Office - 40%;
Lima Police Department - 20%;
Allen Co. Prosecutor's Office - 20%;
Delphos Police Department - 20%;

As part of this sentence the defendant is advised that upon the completion of the prison term the defendant SHALL BE subject to such further period of supervision under POST RELEASE CONTROL as the parole board may determine pursuant to law (up to 5 years). As authorized by law, the Adult Parole Authority may increase or reduce restrictions imposed by the parole board. If the defendant violates the terms of POST RELEASE CONTROL the parole board may return the offender to prison for a maximum period of nine months for each violation, but the total period of additional prison time imposed by the parole board for violations while under POST RELEASE CONTROL shall not exceed one-half (1/2) of the defendant's stated prison term. As part of POST RELEASE CONTROL defendant shall comply with any drug/alcohol treatment and/or monitoring. If the defendant is convicted of a felony committed while under POST RELEASE CONTROL the Court having jurisdiction over the new felony may return the defendant to prison under this case for an additional period of time as authorized by law and any prison term for the new felony may be served consecutively with the extension of prison time in this case. If the Court imposes additional prison time in this case the defendant shall be credited with any additional prison time imposed by the parole board for the same violation.

The additional periods of time imposed by another court because of a felony committed while under POST RELEASE CONTROL in this case or by the parole board for violations in this case while on POST RELEASE CONTROL are part of the sentence in this case.

IT IS FURTHER ORDERED the defendant's driver's license, or right to have a driver's license, is hereby suspended for a period of 5 years.

IT IS FURTHER ORDERED the defendant's vehicle, a 1979 Mercedes, VIN # 11603312094153, shall be sold and all monies received from sale shall be executed upon and applied to the mandatory fines ordered.

The defendant has been sentenced to a prison term or to a community residential sanction in a jail or community-based correctional facility, therefore it is **ORDERED** that defendant shall submit to a DNA specimen collection procedure administered by the director of rehabilitation and correction or the chief administrative officer of the jail or other detention facility in which the person is serving the term of imprisonment.

Defendant is **ORDERED** to pay all costs of prosecution.

Exhibit
" D "

Further, the Defendant was advised by the Court of his appellate rights pursuant to Criminal Rule 32(A)(2).

IT IS FURTHER ORDERED the Sheriff of Allen County shall deliver the Defendant to the Ohio Department of Rehabilitation and Corrections forthwith. Credit is granted for **498 days** (since August 3, 2005) because of time spent in custody in this case prior to sentence, together with future custody days while defendant awaits transportation to the appropriate institution.

IT IS SO ORDERED.

DATED: DECEMBER 13, 2006

JEFFREY L. REED, JUDGE

cc: Prosecuting Attorney
Defendant
West Central Ohio Crime
Task Force
Crime Victim Services

Exhibit
"D"