

IN THE SUPREME COURT OF OHIO

07-2103

GILBERT HALE)
 Inmate Number A434-258)
 Lorain Correctional Institution)
)
 Petitioner)
)
 v.)
)
 Julius Wilson)
 Warden)
 Richland Correctional Institution)
)
 Respondent)

CASE NO.
 REF CASE NO. 02CR 060465
 02CR060001
 LORAIN COUNTY COURT OF
 COMMON PLEAS
 PETITION FOR WRIT OF
 HABEAS CORPUS

IN THE MATTER OF THE PETITION FOR A WRIT OF HABEAS CORPUS FOR
 GILBERT HALE

Kenneth N. Ortner (0069726)
 Attorney for Petitioner
 36855 American Way, Suite 2C
 Avon, Ohio 44011
 440-934-5677
 440-934-2289 Fax

Julius Wilson
 Warden
 Richland Correctional Institution
 1001 Olivesburg Road
 P.O. Box 8107
 Mansfield, Ohio 44901

FILED
 NOV 13 2007
 CLERK OF COURT
 SUPREME COURT OF OHIO

The Petitioner, Gilbert Hale, by and through undersigned counsel, Kenneth N. Ortner, respectfully petitions this Honorable Court, pursuant to Ohio Revised Code §2725.02 and §2963.09 to issue a Writ of Habeas Corpus.

In support of his petition:

1. Petitioner makes application for a Writ of Habeas Corpus because he is being held in the Lorain Correctional Institution pursuant to an illegal sanction issued by the Ohio Adult Parole Authority;

2. Petitioner states that on or about September 30, 2002, Judge Edward M. Zaleski of the Lorain County Common Pleas Court, sentenced Petitioner to a total of one (1) year in prison on case numbers 02CR060465 and 02CR060001. At the time of said sentencing no reference was made to optional or mandatory Post Release Control. (See sentencing entries and docket sheets attached hereto and incorporated as if fully rewritten herein as "Exhibit A" and "Exhibit B").

3. Petitioner further states that upon release from prison the Ohio Adult Parole Authority placed Petitioner on post release control without an order from the court.

4. Petitioner further states that on September 16, 2007 the Adult Parole Authority imposed a sanction of one hundred forty-one (141) days on the Petitioner for violation of said post release control. (See Sanction Order attached hereto and incorporated as if fully rewritten herein as "Exhibit C").

5. Petitioner further states that on October 2, 2006 the Adult Parole Authority had petitioner indicted on Escape charges for violation of his post release control in Lorain County Common Pleas Court, case number 06CR071369. On October 11, 2007 Judge

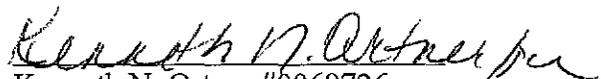
Raymond Ewers dismissed this case in light of Ohio Supreme Court Ruling in *Hernandez v. Kelly*, 108 Ohio St.3d 395, 2006-Ohio-126. (See docket sheet attached hereto and incorporated as if fully rewritten herein as "Exhibit D").

6. Petitioner further states that the Ohio Supreme Court ruling in Hernandez prohibits the Ohio Adult Parole Authority from placing Petitioner on post release control without an order from the sentencing court and therefore Petitioner is detained illegally on post release control sanctions.

7. Petitioner wishes to test the legality of his detention and demands a hearing on this matter as provided by law.

WHEREFORE, Petitioner prays that a writ of habeas corpus be issued, directed to the Lorain County Sheriff commanding him to produce the body of the petitioner before this court for a hearing to have the Court determine the legality of his detention.

Respectfully submitted,


Kenneth N. Ortner #0069726
Attorney for the Petitioner
36855 American Way, Suite 2C
Avon, Ohio 4401
440-934-5677

CERTIFICATE OF SERVICE

This is to certify that a copy of this Petition for Writ of Habeas Corpus was delivered to the Respondent, Julius Wilson, Warden of Richland Correctional Institution at 1001 Olviesburg Road, P.O. Box 8107, Mansfield, Ohio, 44901, this October 29th, 2007.



Kenneth N. Ortner
Attorney for Petitioner

FILED
LORAIN COUNTY

JOURNAL ENTRY
COURT OF COMMON PLEAS

2002 OCT -2 P 2:15

Lorain County, Ohio
Ron Nabakowski, Clerk

ENTERED

CLERK OF COMMON PLEAS
RON NABAKOWSKI

Case No. 02CR060465

STATE OF OHIO

Plaintiff

Nolan

Asst. Pros.

*-vs-
Gilbert J. Hale*

Defendant

Prunda

Atty for Defendant

Date 9/30/02 J.E. Vol. 895 Page 595

DEFENDANT IN COURT WITH COUNSEL FOR SENTENCING: DEFENDANT SENTENCED TO PRISON/COMMUNITY CONTROL SANCTIONS; SEE SENTENCING JUDGMENT ENTRY.

Judge

[Signature]

EXHIBIT A

(X)

FILED
COURT OF COMMON PLEAS
LORAIN COUNTY LORAIN COUNTY, OHIO

Ron Nabakowski, Clerk

2002 OCT -2 P 2:15

STATE OF OHIO CLERK OF COMMON PLEAS
LORAIN COUNTY RON NABAKOWSKI

CASE NO: 02CR060465

Plaintiff

v.

Nolan
Assistant Prosecuting Attorney

Gilbert J. Hale
Defendant

Bruna
Defense Attorney

JUDGMENT ENTRY OF CONVICTION AND SENTENCE

1. Defendant appeared in Court for sentencing after having plead guilty to of the following charge(s):

1. Domestic Violence

a violation of O.R.C. 2919.25 a 5th degree felony/misdemeanor.

2. _____

a violation of O.R.C. _____ a _____ degree felony/misdemeanor.

3. _____

a violation of O.R.C. _____ a _____ degree felony/misdemeanor.

4. _____

a violation of O.R.C. _____ a _____ degree felony/misdemeanor.

5. _____

a violation of O.R.C. _____ a _____ degree felony/misdemeanor.

() IF CHECKED, see additional charges on attached page.

Journal 895 Page 595

2. **IF CHECKED**, a pre-sentence report and investigation were ordered and completed. A copy was/was not made available to defense.
3. Defendant was present with counsel in open court for sentencing 9/30, 2002. A stenographer was present. Defendant's counsel and defendant were afforded an opportunity to speak and present any information in mitigation of punishment, pursuant to Criminal Rule 32(A)(1).
4. The court has considered the factors under Ohio Rev. Code §2929.13(B) and does not find one of the listed factors.

For reasons stated on the record, and after consideration of the factors under Ohio Rev. Code §2929.12, the court also finds that community control sanction is inconsistent with the purposes and principles of sentencing in Ohio Rev. Code §2929.11.

5. EXCEEDING THE MINIMUM FOR FIRST PRISON TERM:

The court finds, pursuant to Ohio Rev. Code §2929.14(B) that:

The shortest prison term will demean the seriousness of the defendant's conduct;

(or)

The shortest prison term will not adequately protect the public from future crime by the defendant or others.

6. IMPOSING THE MAXIMUM PRISON TERM:

The court finds for the reasons stated on the record, pursuant to Ohio Rev. Code §2929.14(C) that:

The defendant has committed the worst form of the offense;

The defendant poses the greatest likelihood of recidivism.

7. FIREARM SPECIFICATION:

An additional term of (1, 3, 5, or 6) years is imposed as a mandatory and consecutive term pursuant to Ohio Rev. Code §2929.14(D)(1), to be served before any other time is served.

8. CONSECUTIVE SENTENCES:

Pursuant to Ohio Rev. Code §2929.14(E)(3), the court finds that the sentences are to be served consecutively to one another as:

_____ Consecutive sentences are necessary to protect the public from future crime or to punish the defendant.

_____ Consecutive sentences are not disproportionate to the seriousness of the defendant's conduct and the danger the defendant poses to the public.

_____ Consecutive sentences are required by law pursuant to division (E)(1) or (E)(2) of Ohio Rev. Code §2929.14.

The court also finds that:

_____ The defendant committed the multiple offenses while the defendant was:

_____ awaiting trial or sentencing;

_____ under a community sanction;

_____ under a post release control sanction

when the offense was committed.

(or)

_____ The harm caused by the defendant was so great or unusual that no single prison term for any of the offenses committed as part of a single course of conduct adequately reflects the seriousness of the defendant's conduct.

(or)

_____ The defendant's history of criminal conduct demonstrates that consecutive sentences are necessary to protect the public from future crime by the defendant.

_____ THEREFORE, the sentences are to be served consecutively.

_____ THEREFORE, the sentences are to be served concurrently.

*The sentences are ~~concurrent~~/consecutive to each other and concurrent/consecutive to case number 02CR060001.

9. The court has notified the defendant that bad time may be imposed by the Parole Board under Ohio Rev. Code §2967.11 for certain rule violations committed while in prison. The defendant is ordered to serve as part of this sentence any bad time imposed.

The court has further notified the defendant that post release control is (mandatory/optional) in this case up to a maximum of (3/5) years, as well as the consequences for violating conditions of post release control

imposed by the Parole Board under Ohio Rev. Code §2967.28. The defendant is ordered to serve as part of this sentence any term of post release control imposed by the Parole Board, and any prison term for violation of that post release control.

10. Upon consideration of all matters set forth by law it is the judgment of law and sentence of the Court that defendant be sentenced to:

Count 1: 8 months/years in ACT and pay a fine of \$ _____;

Count 2: _____ months/years in _____ and pay a fine of \$ _____;

Count 3: _____ months/years in _____ and pay a fine of \$ _____;

Count 4: _____ months/years in _____ and pay a fine of \$ _____;

Count 5: _____ months/years in _____ and pay a fine of \$ _____;

IF CHECKED, see additional sentences on attached page.

11. IF CHECKED, Defendant's driver's license is suspended on Count(s) _____ for _____ concurrent/consecutive to any other suspension.

12. FINES:

(a) Pay a mandatory fine pursuant to O.R.C. 2925.03(H) of \$ _____ on Ct 1; \$ _____ on Ct 2; \$ _____ on Ct 3; \$ _____ on Ct 4.

(b) The mandatory fine listed shall be paid to the Clerk of Courts, who in turn shall pay the same to _____ and 25% to the Lorain County Prosecutor.

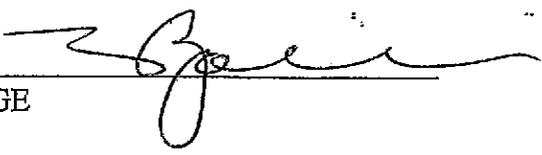
(c) Mandatory drug fines under any section of O.R.C./2925 (other than R.C. 2925.03) shall be disbursed by the Clerk of Courts as follows:
50% in care of the Ohio Board of Pharmacy, _____% to _____, and 25% to the Lorain County Prosecutor.

(d) _____ (If checked) Mandatory fines are HELD IN ABEYANCE pending hearing or/SUSPENDED pursuant to the affidavit of indigency.

Pursuant to Ohio Rev. Code §2929.18(B), a mandatory fine of \$ _____ is imposed.

13. The defendant is therefore ordered conveyed to the custody of the Ohio Department of Rehabilitation and Correction. Credit for All days is granted as of this date along with future custody days while the defendant awaits transportation to the appropriate state institution. The defendant is ordered to pay restitution of \$ _____, all costs of prosecution, Court appointed counsel costs and any fees permitted pursuant to Ohio Rev. Code §2929.18(A)(4).

Dated: 9/30/02



JUDGE



Public Docket Information

OHIO VS. HALE Case Number: 02CR060465

Case Details

Type Of Action: Criminal
 Judge: Zaleski, Judge Edward
 Filed On: 5/24/2002

Parties

Name	Birth Date	Party	Address	Attorney(s)
STATE OF OHIO	N/A	P		
HALE, GILBERT J	08/03/74	D	2603 GARDNER COURT LAGRANGE, OHIO 44031	OTERO, JR., JOHN B OTERO & OTERO CO., L.P.A. 2100 REID AVE LORAIN, OHIO 440524797 GRUNDA, JOSEPH R 522 BROADWAY LORAIN, OHIO 44052

Filter Docket

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- TRANSCRIPT
- INDICTMENT
- RETURN
- ARRNMENT.
- ATTY APPT
- FILING
- MOTION
- (EMZ)
- PLEA/WAIVE
- PLEA
- BOND
- WRIT
- REPORT

ENTRY
 SENTENCING
 SENT/CONV
 ADDRESS

Date	Type	Description
05/24/2002	TRANSCRIPT	TRANSCRIPT FILED. FROM VERMILION MUNICIPAL COURT (3) CRA 0200230 A - AGGRAVATED ROBBERY CRA 0200230 B - KIDNAPPING CRA 0200230 C - DOMESTIC VIOLENCE BOND SET AT \$510,000 CASH 10%. NOT POSTED. COMMITTED.
07/09/2002	INDICTMENT	INDICTMENT FILED. SUMMONS W/COPY OF INDICTMENT ISSUED TO LORAIN COUNTY SHERIFF. INDICTMENT FOR DOMESTIC VIOLENCE, 2919.25 F-5; KIDNAPPING, 2905.01(A)(2)F-1 AGGRAVATED ROBBERY, 2911.01 F-1
07/12/2002	RETURN	SHERIFF'S RETURN - I MADE PERSONAL SERVICE ON DEFENDANT ON 7/11/02. PHIL R. STAMMITTI, SHERIFF
07/17/2002	ARRNMENT.	DEFENDANT ARRAIGNED. WAIVED READING OF INDICTMENT, ENTERED PLEA OF NOT GUILTY. BOND CONTINUED. CASE ASSIGNED TO JUDGE ZALESKI. PRETRIAL SET FOR 7/22/02 AT 8:30 AM. (TWJ) VOLUME # 890 PAGE # 298
07/17/2002	ATTY APPT	IT APPEARING DEFENDANT IS INDIGENT, THE COURT HEREBY APPOINTS AS COUNSEL FOR DEFENDANT ATTORNEY JOSEPH GRUNDA.
07/22/2002	FILING	BILL OF PARTICULARS FILED BY STATE
07/22/2002	FILING	DISCOVERY FILED BY STATE
07/22/2002	MOTION	MOTION FILED BY DEFENDANT FOR TRANSCRIPT
07/22/2002	MOTION	MOTION FILED BY DEFENDANT TO REDUCE BOND
07/22/2002	MOTION	MOTION FILED BY DEFENDANT FOR DISCOVERY
07/22/2002	MOTION	MOTION FOR BILL OF PARTICULARS FILED BY DEFENDANT
07/23/2002	(EMZ)	JURY TRIAL SET FOR 8/6/02 AT 8:30 AM. DEF WON'T WAIVE TIME. VOLUME # 890 PAGE # 1559
07/25/2002	FILING	DEFENDANT'S RESPONSE TO DISCOVERY FILED
07/30/2002	(EMZ)	DEF'S MOTION FOR TRANSCRIPT OF THE PRELIMINARY HEARING HELD IN VERMILION MUNICIPAL COURT IS GRANTED AT STATE'S EXPENSE. VOLUME # 890 PAGE # 2738
07/30/2002	(EMZ)	DEF'S MOTION TO REDUCE BOND IS DENIED. VOLUME # 890 PAGE # 2739
08/06/2002	PLEA/WAIVE	PLEA OF GUILTY, WAIVER OF RIGHTS FILED.
08/06/2002	PLEA	DEFENDANT IN COURT WITH COUNSEL, WITHDRAWS FORMER PLEA OF NOT GUILTY AND ENTERS PLEA OF GUILTY TO INDICTMENT COUNT 1 DOMESTIC VIOLENCE O.R.C.S. 2919.25 A 5TH DEGREE FELONY WHICH PLEA IS ACCEPTED. DEFENDANT IS REFERRED TO THE LORAIN COUNTY ADULT PROBATION DEPT. FOR A PRE-SENTENCE EVALUATION AND REPORT; BOND CONTINUED. COURT SUPERVISED RELEASE/PERSONAL BOND. (EMZ) VOL. 891 PAGE 899
08/06/2002	BOND	BOND POSTED: PERSONAL BOND POSTED BY DEF.
08/07/2002	WRIT	WARRANT TO DISCHARGE ISSUED TO LORAIN COUNTY SHERIFF
09/09/2002	REPORT	PRE-SENTENCE REPORT FILED.
09/13/2002	ENTRY	CRIMINAL SENTENCING HAS BEEN SCHEDULED FOR: 9/30/02 AT 10:00 AM. (EMZ) VOLUME # 893 PAGE # 2360
10/02/2002	SENTENCING	DEFENDANT IN COURT WITH COUNSEL FOR SENTENCING. DEFENDANT SENTENCED AFTER HAVING PLEAD GUILTY TO: COUNT 1: DOMESTIC VIOLENCE, 2919.25, F-5 UPON CONSIDERATION OF ALL MATTERS, DEFT. SENTENCED TO: COUNT 1: 8 MONTHS IN LC. SENTENCE IS CONCURRENT TO 02CR060001.

CREDIT FOR ALL DAYS ARE GRANTED. SEE SENTENCING ENTRY:
(EMZ) VOLUME # 895 PAGE # 595

10/03/2002 SENT/CONV C/C OF INDICTMENT, JOURNAL ENTRY, AND SENTENCE ISSUED
TO LORAIN COUNTY SHERIFF ALONG WITH WARRANT TO
CONVEY TO: LORAIN CORRECTIONAL INSTITUTION

10/09/2002 RETURN SHERIFF'S RETURN - I CONVEYED THE DEFENDANT TO PLACE
DESIGNATED ON OCTOBER 4, 2002 PHIL R. STAMMITTI, SHFF

10/17/2002 REPORT OHIO DEPARTMENT OF REHABILITATION & CORRECTION NOTICE
OF COMMITMENT & CALCULATION OF SENTENCE RECEIVED &
FILED.

01/11/2006 ADDRESS NEW ADDRESS PROVIDED BY DEFENDANT OF: FROM CASE
#05CR067974 2603 GARDNER COURT, LAGRANGE, OH 44050 OLD
ADDRESS: 2256 CLAUSE ROAD, VERMILION, OH 44089

[Print Docket](#) [Close](#)

FILED
LORAIN COUNTY

2002 OCT -2 P 2:16

CLERK OF COMMON PLEAS
RON NABAKOWSKI

ENTERED

JOURNAL ENTRY
COURT OF COMMON PLEAS

Lorain County, Ohio
Ron Nabakowski, Clerk

Case No. 02CR06045 ⁶⁰⁰⁰¹

STATE OF OHIO

Plaintiff

Nolan

Asst. Pros.

-vs-

Albert J. Hale

Defendant

Miranda

Atty for Defendant

Date 9/30/02

J.E. Vol. 895 Page 578

DEFENDANT IN COURT WITH COUNSEL FOR SENTENCING: DEFENDANT SENTENCED TO PRISON/COMMUNITY CONTROL SANCTIONS: SEE SENTENCING JUDGMENT ENTRY.

Judge

[Signature]

EXHIBIT B

(v)

COURT OF COMMON PLEAS
LORAIN COUNTY, OHIO
Ron Nabakowski, Clerk
LORAIN COUNTY

STATE OF OHIO,

2002 OCT -2 P 2: CASE NO: 02CR060001

CLERK OF COMMON PLEAS
RON NABAKOWSKI

Plaintiff

v.

Nolen
Assistant Prosecuting Attorney

Gilbert J. Hale
Defendant

Stemda
Defense Attorney

JUDGMENT ENTRY OF CONVICTION AND SENTENCE

1. Defendant appeared in Court for sentencing after having plead guilty to the following charge(s):

1. Attempted Felonious Assault

a violation of O.R.C. 2923.02/2903.11(A)(1) a 3 degree felony/misdemeanor.

2. Assault

a violation of O.R.C. 2903.13 CA a 1st degree felony/misdemeanor.

3. _____

a violation of O.R.C. _____ a _____ degree felony/misdemeanor.

4. _____

a violation of O.R.C. _____ a _____ degree felony/misdemeanor.

5. _____

a violation of O.R.C. _____ a _____ degree felony/misdemeanor.

IF CHECKED, see additional charges on attached page.

2. IF CHECKED, a pre-sentence report and investigation were ordered and completed. A copy was/was not made available to defense.

3. Defendant was present with counsel in open court for sentencing 9/5, 2002. A stenographer was present. Defendant's counsel and defendant were afforded an opportunity to speak and present any information in mitigation of punishment, pursuant to Criminal Rule 32(A)(1).

4. **EXCEEDING THE MINIMUM FOR FIRST PRISON TERM:**

The court finds, pursuant to Ohio Rev. Code §2929.14(B) that:

_____ The shortest prison term will demean the seriousness of the defendant's conduct;
or

_____ The shortest prison term will not adequately protect the public from future crime by the defendant or others.

5. **IMPOSING THE MAXIMUM PRISON TERM:**

The court finds for the reasons stated on the record, pursuant to Ohio Rev. Code §2929.14(C) that:

_____ The defendant has committed the worst form of the offense;

_____ The defendant poses the greatest likelihood of recidivism.

6. **FIREARM SPECIFICATION:**

An additional term of (1, 3, 5, or 6) years is imposed as a mandatory and consecutive term pursuant to Ohio Rev. Code §2929.14(D)(1), to be served before any other time is served.

7. **CONSECUTIVE SENTENCES:**

Pursuant to Ohio Rev. Code §2929.14(E)(3), the court finds that the sentences are to be served consecutively to one another as:

_____ Consecutive sentences are necessary to protect the public from future crime or to punish the defendant.

_____ Consecutive sentences are not disproportionate to the seriousness of the defendant's conduct and the danger the defendant poses to the public.

_____ Consecutive sentences are required by law pursuant to division (E)(1) or (E)(2) of Ohio Rev. Code §2929.14.

The court also finds that any one of the following apply:

_____ The defendant committed the multiple offenses while the defendant was:
_____ awaiting trial or sentencing;

- Count 1: 1 months/years in LCI and pay a fine of \$ _____;
- Count 2: 6 months/years in LCI and pay a fine of \$ _____;
- Count 3: _____ months/years in _____ and pay a fine of \$ _____;
- Count 4: _____ months/years in _____ and pay a fine of \$ _____;
- Count 5: _____ months/years in _____ and pay a fine of \$ _____;

*Concurrent
 ↓
 Concurrent
 with the
 Sentence in
 ODC 0060465*

IF CHECKED, see additional sentences on attached page.

13. IF CHECKED, the defendant's drivers license is suspended for _____ consecutive/concurrent to any other suspension.

14. FINES:

(a) Pay a mandatory fine pursuant to O.R.C. 2925.03(H) of \$ _____ on Ct 1; \$ _____ on Ct 2; \$ _____ on Ct 3; \$ _____ on Ct 4.

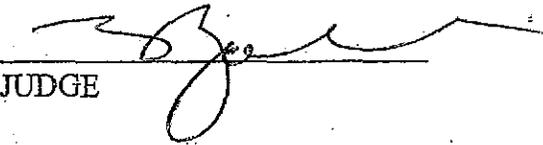
(b) The mandatory fine listed shall be paid to the Clerk of Courts, who in turn shall pay the same to _____ and 25% to the Lorain County Prosecutor.

(c) Mandatory drug fines under any section of O.R.C. 2925 (other than R.C. 2925.03) shall be disbursed by the Clerk of Courts as follows:
 50% in care of the Ohio Board of Pharmacy _____% to _____, and 25% to the Lorain County Prosecutor.

(d) _____ (If checked) Mandatory fines are HELD IN ABEYANCE pending hearing or/SUSPENDED pursuant to the affidavit of indigency.

14. The defendant is therefore ordered conveyed to the custody of the Ohio Department of Rehabilitation and Correction. Credit for ALL days is granted as of this date along with future custody days while the defendant awaits transportation to the appropriate state institution. The defendant is ordered to pay restitution of \$ _____, all costs of prosecution, Court appointed counsel costs and any fees permitted pursuant to Ohio Rev. Code §2929.18(A)(4).

Dated: 9/30/02



JUDGE



Public Docket Information

OHIO VS. HALE Case Number: 02CR060001

Case Details

Type Of Action: Criminal
 Judge: Zaleski, Judge Edward
 Filed On: 3/22/2002

Parties

Name	Birth Date	Party	Address	Attorney(s)
STATE OF OHIO	N/A	P		
HALE, GILBERT J	08/03/74	D	2603 GARDNER COURT LAGRANGE, OHIO 44050	GRUNDA, JOSEPH R 522 BROADWAY LORAIN, OHIO 44052

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 (EMZ)
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 SENTENCING
 SENT/CONV
 ENTRY
 ADDRESS

Filter

Date	Type	Description
03/22/2002	TRANSCRIPT	TRANSCRIPT FILED. FROM LORAIN MUNICIPAL COURT (2) CRA 0200875 - FELONIOUS ASSAULT CRB 0200876 - ASSAULT BOND SET AT \$30,000 CASH. SURETY BOND POSTED BY A BAIL BONDING. BAILED.

05/28/2002 INDICTMENT INDICTMENT FILED. SUMMONS W/COPY OF INDICTMENT ISSUED TO LORAIN COUNTY SHERIFF. INDICTMENT FOR FELONIOUS ASSAULT, 2903.11(A)(1) F-2; ASSAULT, 2903.13(A)M-1

06/03/2002 RETURN SHERIFF'S RETURN - I MADE PERSONAL SERVICE ON DEFENDANT ON 5/30/02. PHIL R. STAMMITTI, SHERIFF

06/05/2002 ARRNMENT. DEFENDANT ARRAIGNED. WAIVED READING OF INDICTMENT, ENTERED PLEA OF NOT GUILTY. BOND CONTINUED. CASE ASSIGNED TO JUDGE ZALESKI. PRETRIAL SET FOR 6/10/02 AT 8:30 AM. (LMM) VOLUME # 887 PAGE # 737

06/05/2002 ATTY APPT IT APPEARING DEFENDANT IS INDIGENT, THE COURT HEREBY APPOINTS AS COUNSEL FOR DEFENDANT ATTORNEY JOSEPH GRUNDA.

06/06/2002 MOTION MOTION FOR BILL OF PARTICULARS FILED BY DEFENDANT

06/06/2002 MOTION MOTION FILED BY DEFENDANT FOR DISCOVERY

06/11/2002 CONTINUED DEFENDANT WAIVES STATUTORY TIME LIMITS FOR SPEEDY TRIAL. AT DEFENDANT'S REQUEST THE PRE-TRIAL IS CONTINUED TO 6/24/02 AT 8:30 AM. PROS TO PROVIDE DISCOVERY AND BILL OF PARTICULARS ON OR BEFORE 6/24/02. DEF TO PROVIDE PROS WITH DISCOVERY ON OR BEFORE 7/8/02. THE PARTIES AGREE TO EXCHANGE EXPERT REPORTS IF ANY ON OR BEFORE 7/8/02. (EMZ) VOLUME # 887 PAGE # 1863

06/25/2002 CONTINUED DEFENDANT WAIVES STATUTORY TIME LIMITS FOR SPEEDY TRIAL. AT DEFENDANT'S REQUEST THE PRE-TRIAL IS CONTINUED TO 7/15/02 AT 8:30 AM. PROS TO PROVIDE DISCOVERY AND BILL OF PARTICULARS ON OR BEFORE 7/1/02. DEF TO PROVIDE PROS WITH DISCOVERY ON OR BEFORE 7/8/02. THE PARTIES AGREE TO EXCHANGE EXPERT REPORTS IF ANY ON OR BEFORE 7/8/02. (EMZ) VOLUME # 888 PAGE # 1569

07/03/2002 MOTION MOTION TO COMPEL FILED BY DEFT

07/08/2002 FILING BILL OF PARTICULARS FILED BY STATE

07/08/2002 FILING DISCOVERY FILED BY STATE

07/09/2002 (EMZ) IT IS HEREBY ORDERED THAT COMMUNITY HEALTH PARTNERS HOSPITAL PROVIDE THIS COURT A CERTIFIED COPY OF MEDICAL RECORDS ADMISSION OF DIANNA COMER. SEE ENTRY. VOLUME # 889 PAGE # 1071

07/16/2002 FILING NOTICE OF SERVICE OF MEDICAL RECORDS FILED BY STATE

07/16/2002 CONTINUED DEFENDANT WAIVES STATUTORY TIME LIMITS FOR SPEEDY TRIAL. AT DEFENDANT'S REQUEST THE PRE-TRIAL IS CONTINUED TO 7/29/02 AT 8:30 AM. B.O.P. & DISCOVERY DONE. DEF TO PROVIDE PROS WITH DISCOVERY ON OR BEFORE 7/29/02. THE PARTIES AGREE TO EXCHANGE EXPERT REPORTS IF ANY ON OR BEFORE 7/29/02. (EMZ) VOLUME # 890 PAGE # 125

07/17/2002 FILING DEFT'S RESPONSE TO DISCOVERY FILED

07/17/2002 MOTION MOTION TO RECEIVE COPIES OF MEDICAL RECORDS FILED

07/30/2002 CONTINUED DEFENDANT WAIVES STATUTORY TIME LIMITS FOR SPEEDY TRIAL. AT DEFENDANT'S REQUEST THE PRE-TRIAL IS CONTINUED TO 8/6/02 AT 8:30 AM. TRIAL DATE ON HIS OTHER CASE. (EMZ) VOLUME # 890 PAGE # 2719

08/09/2002 CONTINUED DEFENDANT WAIVES STATUTORY TIME LIMITS FOR SPEEDY TRIAL. AT DEFENDANT'S REQUEST THE PRE-TRIAL IS CONTINUED TO 8/26/02 AT 8:30 AM. DEF TO PLEAD IN 02CR060465 ON 8/6/02- TO DOMESTIC VIOLENCE, F-5. (EMZ) VOLUME # 891 PAGE # 1401

08/27/2002 CONTINUED DEFENDANT WAIVES STATUTORY TIME LIMITS FOR SPEEDY TRIAL. AT DEFENDANT'S REQUEST THE PRE-TRIAL IS CONTINUED TO 10/28/02 AT 8:30 A.M. TRIAL DATE TO BE SET AT PRETRIAL. (EMZ) VOL. 892 PAGE 1781

10/01/2002 PLEA/WAIVE PLEA OF GUILTY, WAIVER OF RIGHTS FILED.

10/01/2002 PLEA DEFENDANT IN COURT WITH COUNSEL, WITHDRAWS FORMER PLEA OF NOT GUILTY AND ENTERS PLEA OF GUILTY TO ATTEMPT FELONIOUS ASSAULT-F3, ASSAULT-M1/AGREED 1 YEAR SENTENCE/CONCURRENT, WHICH PLEA IS ACCEPTED. DEF SENTENCED. SENTENCING ENTRY TO FOLLOW. (EMZ) VOLUME # 895 PAGE # 127

DEFENDANT IN COURT WITH COUNSEL FOR SENTENCING.
 DEFENDANT SENTENCED TO THE FOLLOWING CHARGES:
 ATTEMPTED FELONIOUS ASSAULT, 2923.02/2903.11(A)(12), F-3;
 ASSAULT, 2903.13(A), M-1; AND SENTENCED TO A TERM OF
 CONFINEMENT OF: COUNT 1: 1 YEAR IN LCI COUNT 2: 6 MONTHS
 IN LCI COUNTS SHALL RUN CONCURRENTLY AND CONCURRENT
 WITH THE SENTENCE IN #02CR060465. DEFT ENTITLED TO CREDIT
 FOR ALL DAYS. DEFT ORDERED TO PAY COSTS OF
 PROSECUTION, COURT APPOINTED COUNSEL COSTS AND ANY
 FEES PERMITTED PURSUANT TO OHIO REV. CODE 2929.18(A)(4).
 SEE JOURNAL (EMZ) VOL. 895 PAGE 578

10/02/2002 SENTENCING C/C OF INDICTMENT, JOURNAL ENTRY, AND SENTENCE ISSUED
 TO LORAIN COUNTY SHERIFF ALONG WITH WARRANT TO
 CONVEY TO: LORAIN CORRECTIONAL INSTITUTION.

10/07/2002 SENT/CONV DEFENDANT HAVING BEEN SENTENCED ON: 10/2/02, AND HAVING
 BEEN ORDERED TO REIMBURSE COUNTY APPOINTED ATTORNEY
 FEES, THE COURT FINDS THAT COURT APPOINTED ATTORNEY
 FEES ARE: \$937.00. THE DEFENDANT IS TO PAY SAID AMOUNT TO
 THE LORAIN COUNTY CLERK OF COMMON PLEAS COURT. THE
 LORAIN COUNTY CLERK OF COURTS SHALL PAY SAID FUNDS TO
 THE LORAIN COUNTY TREASURER. (EMZ) VOLUME # 896 PAGE #
 2667

10/29/2002 ENTRY SHERIFF'S RETURN - I CONVEYED THE DEFENDANT TO PLACE
 DESIGNATED ON OCTOBER 4, 2002 PHIL R. STAMMITTI, SHFF
 (DEFT WAS TRANSPORTED BEFORE PAPERWORK ISSUED.)

11/07/2002 RETURN MOTION FOR JUDICIAL RELEASE FILED BY DEFT, PRO SE.
 (HEARING REQUESTED)

04/03/2003 MOTION DEFT'S MOTION FOR JUDICIAL RELEASE IS DENIED. VOL. 908
 PAGE 238

04/16/2003 (EMZ) MOTION FOR JAIL TIME CREDIT FILED BY DEFT, PRO SE.

05/05/2003 MOTION DEFT IS GRANTED 3 DAYS JAIL TIME CREDIT IN THIS CASE FROM
 THE LORAIN COUNTY JAIL. VOLUME # 912 PAGE # 610

06/17/2003 (EMZ) LETTER TO JUDGE ZALESKI FILED BY GILBERT HALE.

07/25/2003 FILING NEW ADDRESS PROVIDED BY DEFENDANT OF: FROM CASE
 #05CR067974 2603 GARDNER COURT, LAGRANGE, OH 44050 OLD
 ADDRESS: 2256 CLAUSE ROAD, VERMILION, OH 44089

01/11/2006 ADDRESS

Print Docket Close



Ohio Department of Rehabilitation and Correction

1050 Freeway Drive North
Columbus, Ohio 43229

Ted Strickland, Governor

www.drc.state.oh.us

Terry J. Collins, Director

Friday, September 14, 2007 1:22 PM

>>>> SANCTION ORDER <<<<

UNIT: ELYRIA III A0707 DATE OF HEARING: 9-17-07
 DATE OF HOLD : 8-17-07 TOTAL PRISON TERM SANCTION: 182
 WHERE CONFINED : LOCAL G JAIL PRISON SANCTION USED: 0
 RECEPTION CENTER: LOCAL TOTAL JAIL TIME: 41
 INSTITUTION: MAACT PRISON SANCTION AVAILABLE: 141
 DATE OF BIRTH: SANCTION IMPOSED: 141 DAYS
 SOCIAL SECURITY NUMBER:

HALE, GILBERT J, NO. A434258, was serving a sentence of confinement in a state correctional institution operated by the Department of Rehabilitation and Correction, and was released to post-release control on 9-30-03 under the supervision of the Ohio Adult Parole Authority. On 9-17-07 a hearing was held as pursuant to Section 2967.28 of the Revised Code.

- 41 Available days previously served in local custody credited in JLS on 9-18-07.
- As a result of a finding of guilt on Rule(s) # 1, 2, 5, 3, 12, a prison term of 141 DAYS days shall be served.
- The prison term shall begin effective 9/18/07
 Upon release, report in person, to PO WARDER, 1131 E. BROAD ST.
 at ELYRIA, OHIO 44035 to receive monitor time conditions
- Additional sanctions: REPORT THE SAME DAY OF RELEASE OR IF AFTER BUSINESS HOURS THE NEXT BUSINESS DAY OF RELEASE TO SIGN CONDITIONS OF MONITOR TIME

TO BE PLACED ON MONITOR TIME / HO WILL DETERMINE PRC STATUS AND WILL TERMINATE PRC IF APPLICABLE

CC: Offender

BY

[Signature]

Unit

HEARING OFFICER

Parole Board

APA Field Services

[Signature]

Print Last Name

[Signature]

EXHIBIT C



ADULT PAROLE AUTHORITY

Sanction Receipt

Name: GILBERT HALE	Offender #: A434258
--------------------	---------------------

III. It has been determined that you are guilty of violating a condition(s) of your release. The following will be imposed:

A. Revocation of release. You are further notified that you will be returned to the appropriate Department of Rehabilitation and Correction institution as soon as practical where you will be notified of any future release consideration hearings.

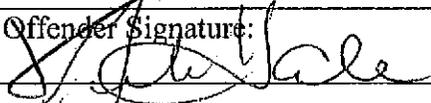
B. See "Sanction Order"

C. Incorporate sanction receipt dated: _____

D. Other Sanction:

Hearing Officer: 	Date: 9/17/06
--	---------------

I have read (been read) and understand the foregoing

Offender Signature: 	Date: 9-17-06
--	---------------

I certify that this notice was hand-delivered to the above on:

Date: 9/17/06	Time: 10:15am
Witness Signature: 	Date: 9/17/06

ADULT PAROLE AUTHORITY

Notice of Findings of Release Violation Hearing

TO:

Name: GILBERT HALE	Offender #: A434258	Date: 8/24/07
Address: LORAIN COUNTY JAIL		

I. This is to advise you that you were found to have committed the following release violation(s) as written in the Notice of Release Violation Hearing Form dated 8/24/07.

RULE(S)#:

State Condition #1: "I will obey federal, state, and local laws and ordinances, including all orders, rules and regulations of Lorain County Common Pleas Court or the Department of Rehabilitation and Correction. I agree to conduct myself as a responsible law abiding citizen. I understand that if I am convicted of a new felony offense while under Post Release Control the Court may impose an additional prison term consecutive to any prison sentence imposed for the new felony offense."

TO-WIT: On or about 02-21-06, in the vicinity of Lorain county Ohio you did escape from the lawful detention of the Adult parole Authority. Deny

State Condition #2: "I will always keep my supervising officer informed of my residence and place of employm obtain permission from my supervising officer before changing my residence or my employment. I understand th supervision, I may be prosecuted for the crime of Escape, under Section 2921.34 of the Revised Code."

TO-WIT: On or about 02-21-06, you failed to keep your supervision officer informed of your residence. Deny

State Condition #3: "I will not leave the State without written permission of the Adult Parole Authority."

TO-WIT: On or about 01-06-06, you left the State without the written permission of the APA. Admit/with migration

State Condition #5: "I will follow all orders verbal or written given to me by my supervising officer or other aut representatives of the Court or the Department of Rehabilitation and Correction."

TO-WIT: Since on or about 02-02-06, you have failed to report to your supervising officer. Deny

State Condition #12: "I agree to comply with all financial obligations, including child support as ordered by any the Department of Rehabilitation and Correction."

TO-WIT: You have failed to pay your supervision fees as instructed totaling \$940. Deny

II. Summary of evidence used in arriving at findings:

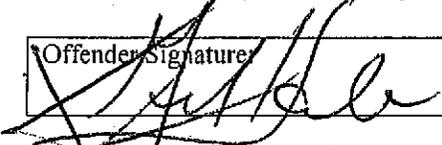
Based on the testimony of the Unit Supervisor
Wokmer and PO Weidner that the offender
failed to report or keep the APA informed
of his residence OIA 8/21/06, was declared
PUAL on 3/20/06, and that he failed
to report since on or about 2/12/06 the
offender is found guilty of Rule #1, Rule #2,
and Rule #5. Based on the admission of
the offender he is found guilty of
Rule #3. Based on the testimony and
documentation submitted by APA offender
is found guilty of R 12.

Hearing Officer Signature:



I have read (been read) and understand the foregoing.

Offender Signature:



Inmate #:

Date:

9-17-07

I certify that this notice was hand-delivered to the above on

9/17/07

at

10:15

Date

Witness Signature:



Date:

9/17/07



Public Docket Information

OHIO VS HALE Case Number: **05CR067974**

Case Details

Type Of Action: Criminal
 Judge: Betleski, Judge Mark
 Filed On: 6/3/2005

Parties

Name	Birth Date	Party	Address	Attorney(s)
STATE OF OHIO	N/A	P		
HALE, GILBERT J	08/03/74	D	2603 GARDNER CT LAGRANGE, OHIO 44050	ORTNER, KENNETH 36855 AMERICAN WAY, STE 2C AVON, OHIO 44011 GRIFFIN, PAUL 600 BROADWAY, 2ND FLOOR LORAIN, OHIO 44052

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- RETURN
- ARRNMNT.
- ATTY APPT
- FILING
- JOURNAL
- BOND
- WRIT
- (MAB)
- MOTION
- PLEAWAIVE
- PLEA

EXHIBIT

SENTENCING SENT/CONV REPORT

Date	Type	Description
06/03/2005	TRANSCRIPT	TRANSCRIPT FILED. FROM ELYRIA MUNICIPAL COURT 2005CRA01683 - BURGLARY BOND SET AT \$20,000.00 CASH. BOND NOT POSTED. COMMITTED.
07/06/2005	INDICTMENT	INDICTMENT FILED. SUMMONS W/COPY OF INDICTMENT ISSUED TO LORAIN COUNTY SHERIFF. INDICTMENT FOR BURGLARY, 2911.12(A)(4), F-4.
07/11/2005	RETURN	SHERIFF'S RETURN - I MADE PERSONAL SERVICE ON DEFENDANT ON 7/8/05. PHIL R. STAMMITI, SHERIFF
07/13/2005	ARRNMENT.	DEFENDANT ARRAIGNED. WAIVED READING OF INDICTMENT, ENTERED PLEA OF NOT GUILTY. BOND CONTINUED. CASE ASSIGNED TO JUDGE BETLESKI. PRETRIAL SET FOR 7/27/05 AT 9:00 A.M. (CRR FOR MAB) VOL 961 PAGE 2531
07/13/2005	ATTY APPT	IT APPEARING DEFENDANT IS INDIGENT, THE COURT HEREBY APPOINTS AS COUNSEL FOR DEFENDANT ATTORNEY PAUL GRIFFIN.
07/18/2005	FILING	RESPONSE TO STATE'S REQUEST FOR DISCOVERY FILED BY THE DEFENDANT.
07/27/2005	JOURNAL	DEFENDANT WAIVES STATUTORY TIME FOR SPEEDY TRIAL PURSUANT TO R.C. 2945.71 ET SEQ. DEFENDANT DOES REQUEST DISCOVERY AND BILL OF PARTICULARS. PROSECUTOR TO PROVIDE DISCOVERY AND BILL OF PARTICULARS ON OR BEFORE 8/10/05. DEFENDANT TO PROVIDE PROSECUTOR WITH DISCOVERY ON OR BEFORE 8/24/05. AT THE DEFENDANT'S REQUEST, SECOND PRE-TRIAL SET FOR 8/24/05 AT 9:00 A.M. BOND IS HEREBY AMENDED TO \$2,500.00 CASH WITH NO CONTACT WITH THE COMPLAINING PARTY. (MAB) VOLUME 962 PAGE 2431
07/27/2005	BOND	BOND POSTED: \$2,500 SURETY BOND POSTED BY YOU WALK BAIL BONDING.
07/27/2005	WRIT	WARRANT TO DISCHARGE ISSUED TO LORAIN COUNTY SHERIFF
07/29/2005	FILING	NOTICE OF APPEARANCE FILED BY KENNETH N. ORTNER, COUNSEL FOR THE DEFENDANT.
08/03/2005	(MAB)	(8/2/05) MOTION FOR FEES AND EXPENSES FILED BY DEFENDANT'S COUNSEL IN THE AMOUNT OF \$71.00 IS APPROVED BY THE COURT. JOURNAL 963 PAGE 599
08/08/2005	FILING	BILL OF PARTICULARS FILED BY THE STATE OF OHIO.
08/08/2005	FILING	DISCOVERY FILED BY THE STATE OF OHIO.
08/26/2005	JOURNAL	DEFENDANT WAIVES STATUTORY TIME FOR SPEEDY TRIAL PURSUANT TO R.C. 2945.71 ET SEQ. ON 8/24/05 PRETRIAL HAD. AT THE DEFT'S REQUEST, FINAL PRETRIAL SET FOR 11/16/05 AT 1:30 P.M. AND JURY TRIAL SET FOR 11/28/05. (MAB) VOL 964 PAGE 3036
10/27/2005	MOTION	MOTION TO AMEND THE INDICTMENT FILED BY THE STATE OF OHIO.
11/16/2005	FILING	STATE'S SUPPLEMENTAL DISCOVERY FILED.
11/17/2005	(MAB)	STATE HAVING FILED MOTION TO AMEND ON 10/27/05, DEFT'S RESPONSE TO BE FILED BY 12/9/05. VOL 970 PAGE 352
11/21/2005	(MAB)	FINAL PRETRIAL HAD. MATTER REMAINS SET FOR TRIAL ON 11/28/05 AT 8:30 A.M. JOURNAL 970 PAGE 1266
11/30/2005	PLEA/WAIVE	PLEA OF GUILTY, WAIVER OF RIGHTS FILED.
		DEFENDANT IN COURT WITH COUNSEL, WITHDRAWS FORMER PLEA OF NOT GUILTY AND ENTERS PLEA OF GUILTY TO INDICTMENT WHICH PLEA IS ACCEPTED. DEFENDANT IS

11/30/2005 PLEA REFERRED TO THE STATE ADULT PAROLE AUTHORITY FOR A POST SENTENCE EVALUATION AND REPORT; BOND CONTINUED. (MAB) VOL. 970 PAGE 2979

11/30/2005 SENTENCING DEFENDANT IN COURT WITH COUNSEL FOR SENTENCING. DEFENDANT SENTENCED AFTER HAVING PLEAD GUILTY TO: BURGLARY, 2911.12, F-4; AND SENTENCED TO A TERM OF CONFINEMENT OF: COUNT 1: 8 MONTHS IN PRISON SENTENCE IS TO BE SERVED CONCURRENTLY WITH ANY SENTENCE DEFT INCURS IN THE STATE OF NEBRASKA. CREDIT FOR 68 DAYS IS GRANTED. DEFT ORDERED TO PAY ALL COSTS PROSECUTION. DEFT IS TO REPORT TO THE NEBRASKA PENAL SYSTEM BY 12/14/05. (MAB) VOL. 970 PAGE 2980

11/30/2005 SENT/CONV C/C OF INDICTMENT, JOURNAL ENTRY, AND SENTENCE ISSUED TO LORAIN COUNTY SHERIFF ALONG WITH WARRANT TO CONVEY TO: LORAIN CORRECTIONAL INSTITUTION.

01/10/2006 FILING SHERIFF RETURN - WARRANT TO CONVEY RETURNED UNEXECUTED. DEFT SENT TO NEBRASKA TO SERVE SENTENCE. PHIL R. STAMMITTI, SHERIFF.

01/11/2006 (MAB) DEFT IS TO REPORT TO THE NEBRASKA PENAL SYSTEM ON 1/14/06, NOT 12/14/05, AS DEFT'S COURT DATE IN NEBRASKA HAS BEEN CHANGED. VOL 973 PAGE 1741

01/20/2006 REPORT POST-SENTENCE REPORT FILED

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