

IN THE SUPREME COURT OF OHIO

STATE OF OHIO, :
Appellee, : Case No. 2007-2425
-vs- : Appeal taken from Butler County
Court of Common Pleas
DONALD J. KETTERER, : Case No. CR 2003-03-0309
Appellant. : This is a death penalty case.

APPELLANT DONALD J. KETTERER'S MEMO CONTRA TO
APPELLEE STATE OF OHIO'S MOTION TO DISMISS

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Counsel of Record

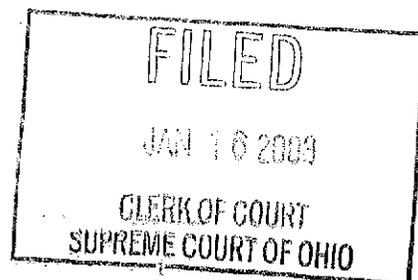
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COUNSEL FOR APPELLEE

COUNSEL FOR APPELLANT



IN THE SUPREME COURT OF OHIO

STATE OF OHIO, : **Case No. 2007-2425**
Appellee, :
-vs- : **Appeal taken from Butler County**
 : **Court of Common Pleas**
DONALD J. KETTERER, : **Case No. CR 2003-03-0309**
Appellant. : **This is a death penalty case.**

**APPELLANT DONALD J. KETTERER'S MEMO CONTRA TO
APPELLEE STATE OF OHIO'S MOTION TO DISMISS**

On December 28, 2007, Appellant Donald Ketterer initiated this appeal from an nunc pro tunc entry of the Butler County Common Pleas Court, dated November 15, 2007, in which that court attempted to amend a prior entry, dated May 29, 2007.

The State requests this Court to dismiss this appeal because Donald Ketterer has already appealed to this Court from the May 29, 2007 entry. However, this Court cannot properly address, in that prior appeal, the propriety of the November 15, 2007 nunc pro tunc entry which was filed almost four months after he instituted his earlier appeal to this Court. Further, the three judge panel lacked jurisdiction to file the nunc pro tunc entry at issue in this appeal. For the reasons identified herein, this Court should deny the State's Motion to Dismiss.

I. FACTUAL POSTURE: THE INSTANT APPEAL IS FROM AN ENTRY THAT THE PANEL PLACED OF RECORD SUBSEQUENT TO DONALD KETTERER FILING HIS MERIT BRIEF IN THE PRIOR APPEAL.

On February 7, 2006, this Court affirmed Donald Ketterer's convictions and death sentence. *State v. Ketterer* 111 Ohio St. 3d 70, 2006-Ohio-5283, . On April 18, 2007, this Court vacated the non-capital sentences and remanded the matter for re-sentencing. *State v. Ketterer* 113 Ohio St. 3d 1463, 2007-Ohio-1722, 864 N.E. 2d 650.

On May 24, 2007, the three judge panel re-sentenced Donald Ketterer on the offenses of aggravated robbery (Count Two), aggravated burglary (Count Three), grand theft (Count Four), and burglary (Count Five). The panel orally imposed post release control "in regards to Count Two and Five, if you are released after serving that sentence, the Ohio Department of Rehabilitation and Control will put you on post-release control, mandatory for a period of five years." [5/24/07 Transcript, p. 24]. The panel failed to impose post release control as to Count Three, the offense of aggravated burglary.

On May 29, 2007, the panel compounded its error when it placed its sentencing entry of record. The panel provided therein "As to Count(s) Two, Three, Four and Five: The Court [sic] has notified the defendant that post release is in this case up to a maximum of [sic] years, as well as the consequences for violating the conditions of post release control imposed by the Parole Board under Ohio Revised Code Section 2967.28" [Exhibit A]. The panel's entry was incorrect because 1) Appellant did not receive post release control as to Count Four because that was a felony of the fourth degree, and 2)

the panel had not imposed in open court post-release control as to Count Three. Additionally, the panel in its sentencing entry, did not identify the number of years that Donald Ketterer would be subject to post release control. [Exhibit A].

On July 13, 2007, Donald Ketterer timely appealed to this Court from the May 24, 2007 resentencing proceedings and May 29, 2007 sentencing entry. *State v. Ketterer*, Ohio Supreme Court Case No. 07-1261.¹ On November 5, 2007, he filed his merit brief in that appeal. He raised therein the trial court's sentencing errors with respect to the imposition of post-release control. [Exhibit B].² That appeal is still pending before this Court.

On November 15, 2007, *ten days after Donald Ketterer submitted his merit brief*, the three judge panel issued a nunc pro tunc sentencing entry, in which it attempted to correct the sentencing issue which Donald Ketterer had raised in his Merit Brief to this Court. [Exhibit C]. The panel labeled its amended sentencing entry "nunc pro tunc: May 29, 2007." [*Id.*]. On December 28, 2007, Donald Ketterer timely initiated the present appeal from that November 15, 2007 nunc pro tunc entry.

On January 7, 2008, the State filed its Motion to Dismiss the instant appeal. The State claims therein that 1) "Appellant is attempting in his second appeal, to appeal the same non-capital sentences" involved in his first appeal; 2) the nunc pro tunc order did not extend the time to file notice of

¹ The State unsuccessfully moved to dismiss that appeal. *State v. Ketterer*, 114 Ohio St. 3d 1506, 2007-Ohio-4285, 2007 Ohio LEXIS 2037.

² Donald Ketterer has attached only the relevant portion of his merit brief from the July 13, 2007 appeal.

appeal in this case and therefore the instant appeal is untimely; and 3) this Court, in the first appeal, can address the second resentencing entry. [Appellee's Motion, pp. 2-4]. The State is attempting to address issues in its Motion to Dismiss which this Court should only address after having the benefit of full merit briefing. The State is incorrect with respect to all three of its assertions.

II. THE AMENDED RE-SENTENCING ENTRY IS NOT BEFORE THIS COURT IN THE FIRST APPEAL.

After a party files a notice of appeal, a trial court retains only such jurisdiction which is not inconsistent with the reviewing court's authority to reverse, modify, or affirm the judgment. *Howard v. Catholic Social Service of Cuyahoga County* (1994), 70 Ohio St. 3d 141, 146, 637 N.E.2d 890; *State ex rel. Rock v. School Employees Ret. Brd.* (2002), 96 Ohio St. 3d 206, 207, 772 N.E.2d 1197.

The three judge panel's issuance of the amended resentencing entry, was inconsistent with this Court's jurisprudence. It was for this Court to decide whether the panel's statements in open court at the resentencing hearing and in its first resentencing entry were legally correct. It was not the province of the three judge panel to attempt to curtail this Court's review of that issue by issuing an amended resentencing entry. Therefore, the panel's amended resentencing is not before this Court in the first appeal.

III. DONALD KETTERER, IN THE PRESENT APPEAL, WILL ADDRESS THE PROPRIETY OF THE PANEL'S ISSUANCE OF THE NUNC PRO TUNC ENTRY.

The State asserts that the three judge panel properly entered its nunc pro tunc entry to correct “a very narrow clerical error.” [Appellee’s Motion p. 3]. A court, however, cannot employ a nunc pro tunc entry to cure omitted action, or to indicate what the panel might or should have decided, or what the panel intended to decide. Its proper use is limited to what the panel actually did. *State ex rel. Fogle, et. al. v. Steiner, Judge, et al.* (1995), 74 Ohio St. 3d 158, 164, 656 N.E.2d 1288; *State ex rel. Cruzado v. Zaleski*, 111 Ohio St. 3d, 2006-Ohio-5795, 856 N.E.2d 263, ¶ 19. The three judge panel improperly employed the nunc pro tunc entry to supply omitted action.

The State claims that because the nunc pro tunc entry purported to revert back to the time of the May 29, 2007 entry, Donald Ketterer untimely filed this appeal. [Appellee’s Motion, pp. 2-3]. The State’s argument assumes that the three judge panel properly entered the nunc pro tunc entry, which can only be decided after merit briefing. Even assuming that the three judge panel could correct its prior errors through the issuance of a nunc pro tunc entry, a trial court should not be permitted to enter such an order in a manner that precludes Donald Ketterer from filing a timely appeal. The belated issuance of the second sentencing entry emasculates Donald Ketterer’s right to appeal.

IV. DONALD KETTERER IN THE PRESENT APPEAL WILL ADDRESS ONLY THE NUNC PRO TUNC ENTRY.

Donald Ketterer, contrary to the State’s assertion, in this appeal will not address the errors which transpired at the May 24, 2007 re-sentencing

hearing or are contained in the initial re-sentencing entry. [Appellee's Motion to Dismiss, p. 2]. Instead, he will address the propriety of the nunc pro tunc entry. If Donald Ketterer should prevail on the post-release control issue in the first appeal, and he does not appeal the amended resentencing entry, that order will be binding on the parties. The fact that the trial court incorrectly misinformed him in *both* open court and the initial sentencing entry will become legally irrelevant. This is despite the fact the panel must have properly informed Donald Ketterer in *both* open court and the resulting sentencing entry if it is to legally impose post release control. *State v. Jordan*, 104 Ohio St. 3d 21, 2004-Ohio-6085, ¶ 23. In addition, if Donald Ketterer does not appeal from the nunc pro tunc entry, then the trial court will have modified his sentence to his detriment without Donald Ketterer having been present. *State v. Jordan*, 2004-Ohio-6085, ¶17, n.2.

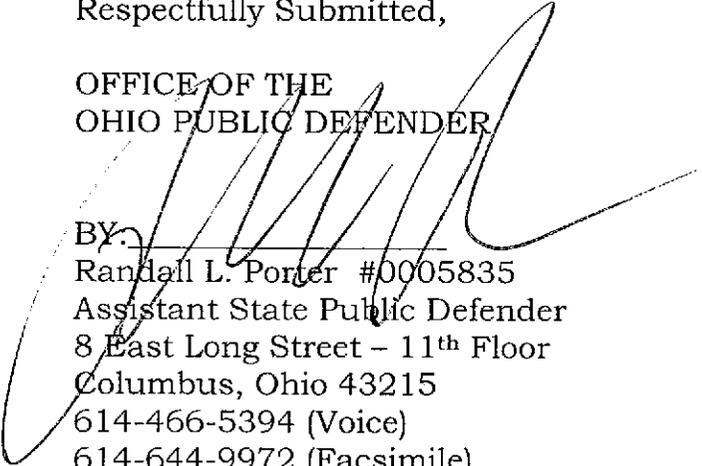
V. CONCLUSION: THIS COURT SHOULD DENY THE STATE'S MOTION.

The three judge panel erred, both in open court and in its initial sentencing entry, when it notified Donald Ketterer as to the post release control. The three judge panel's issuance of the November 15, 2007 entry after Donald Ketterer submitted briefing on the resentencing issue, concedes the error. If there was no error, the panel would have not have needed to issue the amended entry. This Court should not permit the panel to insulate its second entry from appellate review by attaching the phrase "nunc pro tunc" to deprive Donald Ketterer of his right to appeal and more importantly this Court to review the merits of *both* the May 29 and November 15, 2007 entries.

WHEREFORE, Donald Ketterer requests this Court to deny the State's Motion to Dismiss and to enter a briefing schedule after the record is filed from the lower court. This Court may however, in its discretion, consolidate the two appeals, after which it permits briefing with respect to the nunc pro tunc entry.

Respectfully Submitted,

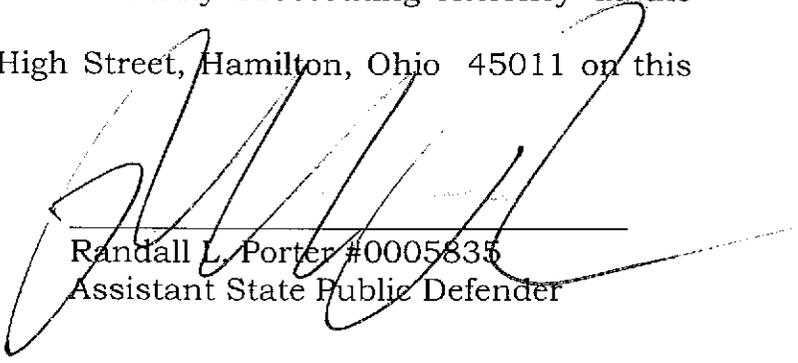
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BY: 
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614-466-5394 (Voice)
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Counsel for Donald Ketterer

CERTIFICATE OF SERVICE

I hereby certify that a true copy of the foregoing Appellant Donald J. Ketterer's Memo Contra To Appellee State Of Ohio's Motion To Dismiss was forwarded by first-class U.S. Mail, postage prepaid and electronic mail to Michael A. Oster, Jr. Assistant Butler County Prosecuting Attorney at the Government Services Center, 315 High Street, Hamilton, Ohio 45011 on this 16th day of January, 2008.


Randall L. Porter #0005835
Assistant State Public Defender

COURT OF COMMON PLEAS
BUTLER COUNTY, OHIO

FILED in Common Pleas Court
BUTLER COUNTY, OHIO

MAY 29 2007
CINDY CARPENTER
CLERK OF COURTS

R. Pollock

STATE OF OHIO

Plaintiff

vs.

DONALD JOSEPH KETTERER

Defendant

CASE NO. CR2003-03-0309

ONEY, J., SAGE, J. and CREHAN, J.

RE-SENTENCING
JUDGMENT OF CONVICTION ENTRY

On May 24, 2007 defendant's re-sentencing hearing was held on the noncapital offenses, Counts Two, Three, Four and Five, pursuant to Ohio Revised Code Section 2929.19 and the decision in State v. Ketterer, 113 Ohio St.3d 1463, 2007-Ohio-1722, the previous judgment of conviction and sentence as to Count One having been affirmed in State vs. Ketterer, 111 Ohio St.3d 70, 2006-Ohio-5283, certiorari denied (May 14, 2007), _____ U.S. _____, 2007 WL812004. Defense attorney Randall Porter, and the defendant were present and defendant was advised of and afforded all rights pursuant to Crim. R. 32. The Court has considered the record, the charges, the defendant's Guilty Finding by Judges, and findings as set forth on the record and herein, oral statements, any victim impact statement and pre-sentence report, as well as the principles and purposes of sentencing under Ohio Revised Code Section 2929.11, and has balanced the seriousness and recidivism factors of Ohio Revised Code Section 2929.12 and whether or not community control is appropriate pursuant to Ohio Revised Code Section 2929.13, and finds that the defendant is not amenable to an available community control sanction. Further, the Court has considered the defendant's present and future ability to pay the amount of any sanction, fine or attorney's fees.

The Court finds that the defendant has been found guilty of:

AGGRAVATED ROBBERY as to Count Two, a violation of Revised Code Section 2911.01(A)(3) a first degree felony. With respect to this Count, the defendant is hereby sentenced to:

Prison for a period of 9 years.
This sentence will be served **consecutive** to Count One.
Fine in the amount of \$2,000

AGGRAVATED BURGLARY as to Count Three, a violation of Revised Code Section 2911.11(A)(1) a first degree felony. With respect to this Count, the defendant is hereby sentenced to:

Prison for a period of 9 years.
This sentence will be served **consecutive** to Count Two.
Fine in the amount of \$2,000

GRAND THEFT as to Count Four, a violation of Revised Code Section 2913.02(A)(1) a fourth degree felony. With respect to this Count, the defendant is hereby sentenced to:

Prison for a period of 17 months.
This sentence will be served **concurrent** with Count(s) Two and Three.

BURGLARY as to Count Five, a violation of Revised Code Section 2911.12(A)(3) a third degree felony. With respect to this Count, the defendant is hereby sentenced to:

Prison for a period of 4 years.

PROSECUTING ATTORNEY, BUTLER COUNTY, OHIO
P.O. BOX 515, HAMILTON, OH 45012-0515



This sentence will be served **consecutive** to Count(s) Two and Three.
Fine in the amount of \$1,000

Credit for 1556 served is granted as of this date.

As to Count(s) Two, Three, Four and Five:

The Court has notified the defendant that post release control is in this case up to a maximum of years, as well as the consequences for violating conditions of post release control imposed by the Parole Board under Revised Code Section 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. The defendant is therefore ORDERED conveyed to the custody of the Ohio Department of Rehabilitation and Correction.

Defendant is ORDERED to pay:

Costs of prosecution, supervision and any supervision fees permitted pursuant to Revised Code Section 2929.18(A)(4).

The Court further advised the defendant of all of his/her rights pursuant to Criminal Rule 32, including his/her right to appeal the judgment, his/her right to appointed counsel at no cost, his/her right to have court documents provided to him/her at no costs, and his / her right to have notice of appeal filed on his behalf.

Directive to Ohio Department of Rehabilitation and Correction: Please notify the Butler County Court of Common Pleas of any major changes of incarceration status including but not limited to release, transfer, execution or death of the defendant.

APPROVED AS TO FORM:

ENTER

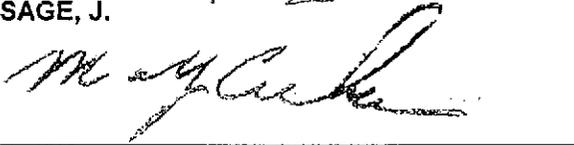
ROBIN N. PIPER
PROSECUTING ATTORNEY
BUTLER COUNTY, OHIO



ONEY, J.



SAGE, J.



CREHAN, J.

MAO/beg
May 25, 2007

IN THE SUPREME COURT OF OHIO

STATE OF OHIO, :
Appellee, : Case No. 2007-1261
-vs- : Appeal taken from Butler County
DONALD J. KETTERER, : Court of Common Pleas
: Case No. CR 2003-03-0309
Appellant. : This is a death penalty case.

MERIT BRIEF OF APPELLANT DONALD J. KETTERER

ROBIN PIPER
Prosecuting Attorney

Daniel Eichel (0008259)
First Assistant Prosecuting Attorney

Michael A. Oster (0076491)
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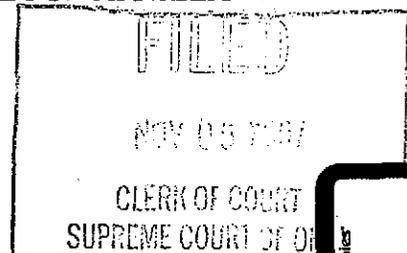
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COUNSEL FOR APPELLANT



verbally, and emotionally abused by his father; c) Appellant was further physically abused by at least one of his brothers; d) Appellant's father was an alcoholic; e) Appellant was exposed to alcohol as a child and first drank alcohol at the age of 9 or 10; f) Appellant's mother reportedly abused tranquilizers and then began abusing alcohol after Appellant's father died; g) Appellant was born with a heart murmur and he also had rheumatic fever as a child, resulting in frequent absences from school and missing socialization opportunities; h) Appellant's father frequently complained about expensive medical bills that were incurred due to Appellant's medical conditions; i) Appellant struggled to accept his brother's homosexuality; j) Appellant's family has a history of psychiatric illness, including one brother who is under the care of a psychiatrist for a chronic mental illness, another brother who was previously psychiatrically hospitalized and one of Appellant's paternal uncles committed suicide; k) Appellant's father died when Appellant was 13 or 14 years old, and this caused emotional conflict for Appellant because he was happy that the abuse he was suffered stopped, but he also experienced guilt over having secretly wished his father would die and l) when his father died, Appellant's mother was ineffective at imposing structure and unable to place limits on the children. [*Id.* at Exhibit 5, ¶ 37].

PROPOSITION OF LAW NO. I

A DEFENDANT'S SENTENCE IS VOID WHEN THE TRIAL COURT FAILS TO PROPERLY ADVISE HIM CONCERNING POST RELEASE CONTROL ON ALL COUNTS.

The panel re-sentenced Appellant on the offenses of aggravated robbery (Count Two), aggravated burglary (Count Three), grand theft (Count Four), and burglary (Count Five5). The trial court orally imposed post release control "in regards to Count Two and Five, if you are released after serving that sentence, the Ohio Department of Rehabilitation and Control will put you on post-release control, mandatory for a period of five years." [5/24/07 Transcript, p. 24].

The panel erred when it failed to impose post release control as to Count Two, the offense of aggravated burglary.

A trial court is obligated to impose post-release control with respect to each first and second degree felony it sentences a defendant. R.C. 2967.28(B)(1). *State v. Jordan*, 104 Ohio St. 3d 21, 2004-Ohio-6085, ¶ 21 (“The plain language of R.C. 2929.14(F) and 2967.28 evinces the intent of the General Assembly not only to make all incarcerated felons subject to mandatory or discretionary post-release control, but also to require all sentencing trial courts in this state to include postrelease control as part of the sentence for every incarcerated offender.”) The third count of the indictment, aggravated burglary was an offense of the first degree. R.C. 2911.11(B). Thus, the panel erred when it failed to impose post-release control as to Count Two. R.C. 2967.28(B)(1).

A trial court’s failure to include a provision as to post-release control renders the sentence void. *State v. Jordan*, 2004-Ohio-6085, at ¶23. The proper remedy for such an error is to remand the case for purposes of re-sentencing. *Id.* See *State v. Beasley* (1984), 14 Ohio St. 3d 74, 75, 471 N.E.2d 774.

The panel compounded this error when it placed its sentencing entry of record. The panel provided therein “As to Count(s) Two, Three, Four and Five: The Court [sic] has notified the defendant that post release is in this case up to a maximum of [sic] years, as well as the consequences for violating the conditions of post release control imposed by the Parole Board under Ohio Revised Code Section 2967.28” [A-9]. The panel’s entry was incorrect because 1) Appellant did not receive post release control as to Count Four, because that was a felony of the fourth degree, and 2) the panel did not advise Appellant as to post-release control as

to Count Three. More importantly, the panel, in its sentencing entry, did not identify the number of years that Appellant would be subject to post release control. [A-9].

A trial court, when it imposes a sentence of post-release control is not only required to orally notify the defendant of the provision, but to place it in its sentencing entry. *State v. Jordan*, 2004-Ohio-6085, at Syllabus 1 (“When sentencing a felony offender to a term of imprisonment, a trial court is required to notify the offender at the sentencing hearing about postrelease control and *is further required to incorporate that notice into its journal entry imposing sentence.*”) (emphasis added). See *State v. Phillips*, Logan App. No. 8-06-14, 2007-Ohio-686, 2007 Ohio App. LEXIS 611, 2007 Ohio App. LEXIS 611 ¶ 26 (While the trial court informed the defendant orally concerning post-release control at sentencing, it “failed to incorporate the notice about post-release control in its sentencing entry. Consequently, Phillips’ sentence was rendered void.”); *State v. Balderson*, Stark App. No. 2006-Ohio-2463, 2007 Ohio App. LEXIS 2288, ¶ 27 (Because the trial court orally advised defendant of post release control, but did not include it in its sentencing entry, “the Court’s September 24, 1998 Judge Entry was, therefore void.”). Thus the panel’s sentencing entry in the present case is void as to the Counts Two, Three and Five.

This Court should sustain Proposition of Law No. I and remand this matter to the trial court for re-sentencing.

PROPOSITION OF LAW NO. II

A TRIAL COURT’S SENTENCING MUST BE VACATED IF IT DOES NOT CONTAIN THE INFORMATION MANDATED BY CRIM. R. 32(B).

A sentencing entry shall set forth the “the plea, the verdict or findings, and the sentence.” Crim. R. 32(C). An entry which does not contain all of this information does not constitute a final appealable order. *State v. Miller*, Medina App. No. 06CA0056-M, 2007-Ohio-

R Porter

FILED BUTLER CO.
COURT OF COMMON PLEAS

COURT OF COMMON PLEAS
BUTLER COUNTY, OHIO

NOV 15 2007

CINDY CARPENTER
CLERK OF COURTS

STATE OF OHIO

CASE NO. CR2003-03-0309

Plaintiff

ONEY, J., SAGE, J. and CREHAN, J.

vs.

AMENDED RE-SENTENCING
JUDGMENT OF CONVICTION ENTRY
{NUNC PRO TUNC: May 29, 2007}

DONALD JOSEPH KETTERER

Defendant

On May 24, 2007 defendant's re-sentencing hearing was held on the noncapital offenses, Counts Two, Three, Four and Five, pursuant to Ohio Revised Code Section 2929.19 and the decision in State v. Ketterer, 113 Ohio St.3d 1463, 2007-Ohio-1722, the previous judgment of conviction and sentence as to Count One having been affirmed in State vs. Ketterer, 111 Ohio St.3d 70, 2006-Ohio-5283, certiorari denied (May 14, 2007), _____ U.S. _____, 2007 WL812004. Defense attorney Randall Porter, and the defendant were present and defendant was advised of and afforded all rights pursuant to Crim. R. 32. The Court has considered the record, the charges, the defendant's Guilty Finding by Judges, and findings as set forth on the record and herein, oral statements, any victim impact statement and pre-sentence report, as well as the principles and purposes of sentencing under Ohio Revised Code Section 2929.11, and has balanced the seriousness and recidivism factors of Ohio Revised Code Section 2929.12 and whether or not community control is appropriate pursuant to Ohio Revised Code Section 2929.13, and finds that the defendant is not amenable to an available community control sanction. Further, the Court has considered the defendant's present and future ability to pay the amount of any sanction, fine or attorney's fees.

The Court finds that the defendant has been found guilty of:

AGGRAVATED ROBBERY as to Count Two, a violation of Revised Code Section 2911.01(A)(3) a first degree felony. With respect to this Count, the defendant is hereby sentenced to:

Prison for a period of 9 years.
This sentence will be served **consecutive** to Count One.
Fine in the amount of \$2,000

AGGRAVATED BURGLARY as to Count Three, a violation of Revised Code Section 2911.11(A)(1) a first degree felony. With respect to this Count, the defendant is hereby sentenced to:

Prison for a period of 9 years.
This sentence will be served **consecutive** to Count Two.
Fine in the amount of \$2,000

GRAND THEFT as to Count Four, a violation of Revised Code Section 2913.02(A)(1) a fourth degree felony. With respect to this Count, the defendant is hereby sentenced to:

Prison for a period of 17 months.
This sentence will be served **concurrent** with Count(s) Two and Three.

BURGLARY as to Count Five, a violation of Revised Code Section 2911.12(A)(3) a third degree felony. With respect to this Count, the defendant is hereby sentenced to:

Prison for a period of 4 years.

PROSECUTING ATTORNEY, BUTLER COUNTY, OHIO
P.O. Box 515, HAMILTON, OH 45012-0515



This sentence will be served **consecutive** to Count(s) Two and Three.
Fine in the amount of \$1,000

Credit for 1556 served is granted as of this date.

As to Count(s) Two, Three, Four and Five:

The Court has notified the defendant that post release control is Mandatory in this case up to a maximum of 5 years, as well as the consequences for violating conditions of post release control imposed by the Parole Board under Revised Code Section 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. The defendant is therefore ORDERED conveyed to the custody of the Ohio Department of Rehabilitation and Correction.

Defendant is ORDERED to pay:

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The Court further advised the defendant of all of his/her rights pursuant to Criminal Rule 32, including his/her right to appeal the judgment, his/her right to appointed counsel at no cost, his/her right to have court documents provided to him/her at no costs, and his / her right to have notice of appeal filed on his behalf.

Directive to Ohio Department of Rehabilitation and Correction: Please notify the Butler County Court of Common Pleas of any major changes of incarceration status including but not limited to release, transfer, execution or death of the defendant.

{This *nunc pro tunc* entry is necessary to properly and legally reflect the Court of Common Pleas Judgement of Conviction that was originally entered on May 24, 2007, and journalized on May 29, 2007}.

APPROVED AS TO FORM:

ENTER

ROBIN N. PIPER
PROSECUTING ATTORNEY
BUTLER COUNTY, OHIO

ONEY, J.

SAGE, J.

CREHAN, J.

MAO/beg
May 25, 2007
November 7, 2007 amended

PROSECUTING ATTORNEY, BUTLER COUNTY, OHIO
P.O. Box 515, HAMILTON, OH 45012-0515