

IN THE SUPREME COURT OF OHIO

STATE OF OHIO : SUPREME COURT
: CASE NO. 2008-0045
PLAINTIFF-APPELLANT :
:
-vs- :
:
SONNY HATFIELD :
:
DEFENDANT-APPELLEE :

Appeal from the Court of Appeals
Eleventh Appellate District
Ashtabula County, Ohio

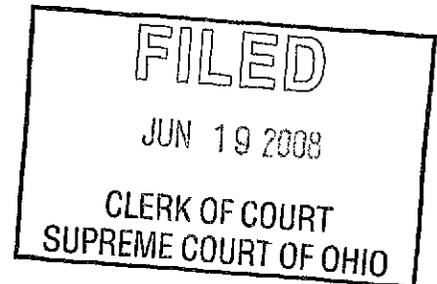
DEFENDANT-APPELLEE'S MOTION TO SUSPEND EXECUTION OF SENTENCE

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COUNSEL FOR APPELLANT



MOTION TO SUSPEND EXECUTION OF SENTENCE

Defendant-Appellee, Sonny Hatfield, now comes before this court through the undersigned counsel, pursuant to Supreme Court Rule XIV, Section 4 (A) and hereby requests that it suspend the execution of his sentence and grant him an appellate bond in this matter. A memorandum in support of this matter is attached hereto and incorporated herein by reference.

Respectfully Submitted



Joseph A. Humpolick (#0023665)
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MEMORANDUM IN SUPPORT

I. BACKGROUND

On May 18, 2006, Sonny Hatfield, Defendant-Appellee herein, was found guilty of vehicular homicide in violation of Ohio Revised Code 2903.03(A)(3)(a) and aggravated vehicular homicide in violation of Ohio Revised Code 2903.06(A)(2)(a) after a jury trial in Ashtabula County Common Pleas Court. On May 19, 2006, he was sentenced to eighteen months for the former and eight years for the latter, the sentences to run concurrently.

Appellee timely filed a Notice of Appeal to the Eleventh District Court of Appeals. On December 31, 2007 the Appellate Court ruled in Appellee's favor and reversed his conviction and remanded his case to the trial court for a new trial.

On January 7, 2008, Plaintiff-Appellant Ashtabula County Prosecutor's Office filed a Notice of Appeal to this court. On May 21, 2008, this court agreed to accept jurisdiction of this case.

II. LAW AND ARGUMENT

Criminal Rule 46 and Appellate Rule 8 provide for release on bail and suspension of a Defendant's sentence pending an appeal. Courts have a full discretionary power to grant appeals.

Coleman v. Gettrick, 2 OS 2d 179, 180 (1965).

In determining whether or not to grant a bond and suspend the execution of a sentence, the general rules on bail set forth in Criminal Rule 46 apply. Criminal Rule 46 (C) sets forth several factors for a court to consider in determining the types, amounts, and conditions of bail, including but not limited to the following: (1.) The nature and circumstances of the crime; (2.) The weight of the evidence; (3.) The confirmation of the Defendant's identity; (4.) The

Defendant's family ties, employment, financial resources, character, mental condition, length of residence in the community, jurisdiction of residence, prior record, record of appearance at court proceedings or of flight to avoid prosecution; and (5.) whether Defendant is on probation, a community control sanction, parole, post release control, or bail.

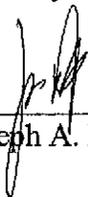
In the case at hand, Sonny Hatfield has lived in Ashtabula County for most of his twenty-eight years of life and his Mother still lives in Ashtabula County. He also has a girlfriend who resides there.

To the best of counsel's knowledge, Defendant-Appellee has a felony drug possession conviction in 2001. He also plead guilty to trafficking in drugs on March 6, 2006 and received an eighteen month prison sentence on May 19, 2006 that has to run concurrently with his vehicular homicide convictions. Counsel is unaware of any other felony convictions of Defendant-Appellee.

While this case was pending, Defendant-Appellee was out on bond for the most part. In fact, he was on a personal recognizance bond when he went to trial. To the best of counsel's knowledge, he always appeared in court as required in this case.

Accordingly, the undersigned requests for the foregoing reasons that this honorable court seriously consider suspending Defendant-Appellee's sentence and release him on a reasonable bail.

Ashtabula County Public Defender, Inc.
Attorney for Defendant-Appellant

by 

Joseph A. Humpolick, Attorney

CERTIFICATE OF SERVICE

I hereby certify that a copy of the foregoing personally delivered to the office of Thomas L. Sartini, Ashtabula County Prosecutor, 25 W. Jefferson St., Courthouse, Jefferson, Ohio, on this the 15th day of June, 2008.

Ashtabula County Public Defender, Inc.
Attorney for Defendant-Appellant

by  _____
Joseph A. Humpolick, Attorney