

ORIGINAL

IN THE SUPREME COURT OF OHIO

GEOFFREY A. DAVIS,
Appellant,

09-1560

CASE NO.

v.

ON APPEAL FROM THE
WASHINGTON COUNTY COURT
OF APPEALS FOURTH
APPELLANT DISTRICT

STATE OF OHIO,
Appellee.

COURT OF APPEALS
CASE NO. 06-CA-39

Motion for STAY OF SENTENCE OF APPELLANT

GEOFFREY A. DAVIS

GEOFFREY A. DAVIS #506-852

Noble Correctional Institution
15708 McConnellsville Rd
Caldwell, Ohio 43724

Acting Pro se

JAMES E. SCHNEIDER #0011141
Prosecuting Attorney for
Washington County

Washington County Courthouse
205 Putnam Street
Marietta, Ohio 45750

Counsel for Appellee

FILED
AUG 28 2009
CLERK OF COURT
SUPREME COURT OF OHIO

Certificate of Service

I hereby certify that a copy of Motion for Stay of Sentence was sent by regular U.S. mail to the Washington County prosecutor at 205 Putnam Street, Marietta, Ohio 45750 on this 24 day of August 2009.

Geoffrey A. Davis
Geoffrey A. DAVIS Pro-se
NCI #506852
15708 McConnellsville Rd.
Caldwell, Ohio 43724

INFORMATION REGARDING BOND IN SUPPORT OF STAY OF
SENTENCE OF APPELLANT GEOFFREY A. DAVIS

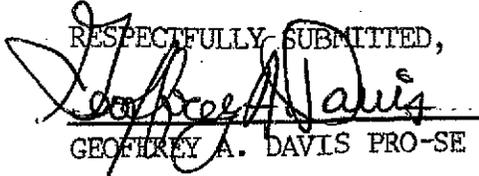
Appellant, GEOFFREY A. DAVIS, was ordered an appeal bond at re-sentencing on August 1, 2006, in trial court Case No. 04-CR-199, in the amount of One Hundred Thousand Dollars [100,000.00], for the reason that Appellant intended to appeal. Further, Appellant filed a motion to reduce the bond set by the trial court to a reasonable amount of Ten Thousand Dollars [10,000.00], which was Appellant's original trial bond amount. Appellant filed said motion for appeal bond reduction pro-se after requesting his court appointed attorney [J. Banning Jasiunas], to do so and also file a requested App.R. 26 [B] Motion to reopen my direct appeal. Appellant was ordered by the Fourth Appellate District not to file any future motions pro-se and if Appellant does, they will not be considered by that court. Appellant followed the rules to seek relief the best way he knew how since the Foster decision interrupted the arena of appeals that led to pleadings through my attorney ignored.

The Appellant in this Stay has lived in Washington County for 30 years, is 54 years of age, was born in Parkersburg W.Va., does have community ties, would reside at mothers address, 615 East Montgomery Street Apt.#2, Marietta, Ohio, Phone No. 740-374-5724. Further, the Appellant would have same employment at time of arrest at Total Lawn Care, 1624 Vanderhoof Road, Coolville, Ohio 45723, Wayne Knutsen, Owner Phone No. 740-591-7791.

If Appellant was then able to make bond, the Appellant would pursuant to Criminal Rule 46 [B][1]-[7] follow all sanctions imposed. The Appellant would further maintain in contact with the courts, probation department or whoever the court deems appropriate in this request for Stay.

Accordingly, Appellant has met the criteria for this application for an order with particularity on the grounds on which it is based as stated.

RESPECTFULLY SUBMITTED,


GEOFFREY A. DAVIS PRO-SE

FILED

CLERK OF COURTS

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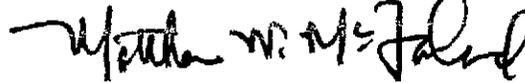
WASHINGTON, OHIO

IN THE COURT OF APPEALS OF OHIO
FOURTH APPELLATE DISTRICT
WASHINGTON COUNTY

State of Ohio,	:	Case No. 06CA39
	:	
Plaintiff-Appellee,	:	<u>ENTRY</u>
	:	
v.	:	
	:	
Geoffrey A. Davis,	:	
	:	
Defendant-Appellant.	:	

Appellant, Geoffrey A. Davis, has filed a motion to reduce the bond set by the trial court. Upon consideration, appellant's motion is **DENIED**. Furthermore, appellant is currently represented by counsel and all pleadings should be made through his attorney. Appellant can either represent himself or permit his court appointed attorney to do so; he cannot do both. As a result, unless appellant notifies us that he no longer wishes to have counsel, any future motions he files pro se will not be considered by this court. **IT IS SO ORDERED.**

FOR THE COURT, DEC -4 2008



Matthew W. McFarland
Administrative Judge

Cc: David H. Bodiker, Esq.
James Schneider, Esq.

JM 683

FILED
CLERK OF COURTS

IN THE WASHINGTON COUNTY COMMON PLEAS COURT
GENERAL DIVISION

2006 AUG -9 AM 10:07
WASHINGTON CO. OH

THE STATE OF OHIO

*

CASE NO. 04-CR-199

Plaintiff

*

vs.

*

JUDGE BOYER

GEOFFREY A. DAVIS

*

JOURNAL ENTRY:

Defendant

*

RE-SENTENCING HEARING

This case came on for a Re-Sentencing Hearing this 1st day of August, 2006. Present in open Court were the Defendant, Geoffrey A. Davis, in custody, accompanied by his attorney Raymond H. Smith; James E. Schneider, Prosecuting Attorney for Washington County appeared on behalf of the State of Ohio.

The Court notes for the record that on June 1, 2005, the Defendant was found Guilty by a duly impaneled Jury of the offenses of Felonious Assault, a second degree felony, in violation of Ohio Revised Code Section 2903.11(A)(1)&(D), as charged in Count 1 of the Indictment, and Abduction, a felony of the third degree, in violation of Ohio Revised Code Section 2905.02(A)(2), as charged in Count 2 of the Indictment. The Court ORDERED a pre-sentence investigation and continued the case for a Sentencing Hearing to July 15, 2005. The Defendant, Geoffrey A. Davis, failed to appear in Court on July 15, 2005, and the Bond was revoked and a warrant was issued for the arrest of Geoffrey A. Davis. On September 9, 2005, the defendant was sentenced to incarceration in the Correctional Reception Center at Orient, Ohio, for a definite period of seven (7) years for the offense of Felonious Assault, and a definite period of four (4) years for the offense of Abduction, with the sentences to be served **concurrently**, so that

in the aggregate, the defendant is to be imprisoned and confined in the correctional Reception Center at Orient, Ohio, for a definite period of seven (7) years.

The Court then proceeded with a re-sentencing hearing, as mandated by the Ohio Supreme Court in its Foster decision, since this case was pending on appeal when the Foster decision was rendered.

Whereupon, the Court inquired if the State had notified the victim, and was the victim present, and did the victim want to speak. Attorney Schneider advised the Court that "yes" the victim was notified, "yes" the victim was present, and "no" the victim did not want to speak. Attorney Schneider made a statement as to sentencing.

Whereupon the Court inquired of Attorney Smith if he wanted to make a statement on behalf of the Defendant as to sentencing in this case, and Attorney Smith made a statement asking that the minimum sentence be imposed.

Whereupon the Court inquired of the Defendant if he wanted to make a statement in his own behalf or present any information in mitigation of punishment, as to this charge, and Defendant made a statement.

Whereupon the Court has considered the record of this case, the oral statements made this day, and the pre-sentence report, as well as the principles and purposes of sentencing pursuant to Ohio Revised Code Sections 2929.11 through 2929.19, and the Court then made the following determinations:

[A] The defendant has previously served a term of imprisonment for another offense.

[B] The Court FINDS the following factors present that make this crime more serious than the norm:

(1) The defendant caused serious physical, emotional, and economic harm to the victim.

(2) The defendant's relationship to the victim facilitated the offense.

[C] The Court FINDS that there are no factors present that made this crime less serious than the norm.

[D] The Court FINDS the following factors present which make this Defendant more likely to recidivate:

(1) The defendant has prior adult and juvenile criminal convictions, as follows:

As a Juvenile: Reckless Operation
 Unruly Child

As an Adult:

Resisting Arrest in February, 1978

OMVI in January, 1980

Domestic Violence in August, 1984

OMVI in February, 1987

Domestic Violence in April, 1989

Domestic Violence in January, 1990, and defendant was placed on probation. Probation Was revoked 2/4/91, and defendant was sent to prison for this offense.

Escape, Grand Theft and Aggravated Burglary and Defendant was sent to prison

Failure to Pay License Reinstatement Fee in July, 1992

Littering in October, 1999

(2) The defendant shows no remorse, and although the defendant did say he is sorry today, he continues to not accept responsibility for the crimes, but insists upon placing the blame on the victim.

(3) The circumstances are likely to recur.

(4) The defendant has failed to respond to prior sanctions imposed by Courts.

(5) The defendant demonstrated a pattern of alcohol abuse related to the offense and defendant refuses to acknowledge this pattern.

[E] The Court FINDS no factors that make this defendant less likely to recidivate.

[F] The Court has weighed the seriousness and recidivism factors and has considered the

overriding purposes of felony sentencing to protect the public from future crime by this offender and others, and the purpose to punish this offender, and has considered the need for incapacitating this offender and deterring the offender and others from future crime, and for rehabilitating the offender. Thereupon the Court FINDS that the sentence it is about to impose is reasonably calculated to achieve these purposes, and is commensurate with, and does not demean the seriousness of the offender's conduct, and its impact upon the victim, and is consistent with sentences imposed for similar crimes committed by similar offenders.

Therefore, be it ORDERED and ADJUDGED that upon consideration of the pre-sentence investigation and report, and upon the statements made in Court this day, and upon consideration of the constitutional factors set forth in Ohio Revised Code sections 2929.11 through 2929.19, and upon Defendant being found Guilty by a Jury Verdict of the offenses of Felonious Assault, a felony of the second degree, in violation of Ohio Revised Code Section 2903.11(A)(1)&(D), as charged in Count 1 of the Indictment, the defendant, GEOFFREY A. DAVIS, be imprisoned and confined in the Correctional Reception Center at Orient, Ohio, for a definite period of seven (7) years, and upon the defendant being found Guilty by a Jury Verdict of the offense of Abduction, a felony of the third degree, in violation of Ohio Revised Code Section 2905.02(A)(2), as charged in Count 2 of the Indictment, the defendant, GEOFFREY A. DAVIS, be imprisoned and confined in the Correctional Reception Center at Orient, Ohio, for a definite period of four (4) years, and the Court ORDERS Defendant to pay the costs of prosecution. The sentences imposed herein are to be served **concurrently**, so that in the aggregate, the defendant is to be imprisoned and confined in the Correctional Reception Center at Orient, Ohio, for a definite period of seven (7) years. The Defendant is to receive credit for time served, that being 342 days through today [08/26/04 to 09/07/04, and 09/07/05 to 08/01/06].

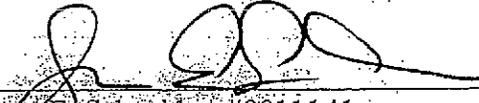
It is further ORDERED that the defendant make restitution to the victim, Denise Fought, in the amount of Nine Hundred (\$900.00) Dollars, which is the total of medical bills not covered by insurance.

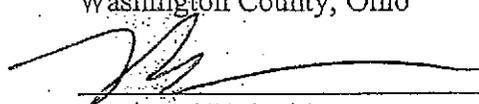
The Court notifies the Defendant that following his incarceration, a post release control period of three (3) years may be imposed by the Parole Board. The Court explained the consequences for violating conditions of Post Release Control imposed by the Parole Board under Ohio Revised Code section 2967.28, and ORDERS defendant that he is to serve, as part of this sentence, the term of post release control imposed by the Parole Board, and any prison term imposed for a violation of that post release control.

Attorney Smith asked the Court to establish an appeal bond and advised the Court that the defendant intended to appeal.

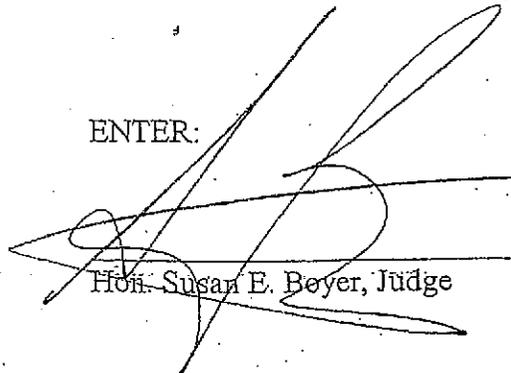
Whereupon, the Court ORDERS that an appeal bond is set in the amount of \$100,000.00.

Whereupon, the Defendant is ORDERED remanded to the custody of the Washington County Sheriff for transport to the institution.


James E. Schneider, #0011141
Prosecuting Attorney
Washington County, Ohio


Raymond H. Smith
Attorney for Geoffrey A. Davis

ENTER:


Hon. Susan E. Beyer, Judge

I certify the foregoing to be a true and correct copy of the original.

Judy R. Van Dyk, Clerk
Common Pleas Court - Court of Appeals
Washington County, Ohio

By


8/9/06

Deputy Clerk

FOURTH DISTRICT
COURT OF APPEALS
FILED
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2009 AUG 12 PM 12:26
WASHINGTON CO. OHIO

IN THE COURT OF APPEALS OF OHIO
FOURTH APPELLATE DISTRICT
WASHINGTON COUNTY

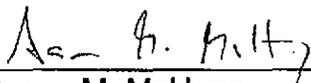
State of Ohio, : Case No. 06CA39
Plaintiff-Appellee, : **MAGISTRATE'S DECISION**
v. :
Geoffrey A. Davis, :
Defendant-Appellant. :

Appellant, Geoffrey A. Davis, has filed an application to reopen this appeal. Appellant, however, filed an application to reopen this same appeal on February 22, 2008, which we denied. Accordingly, because App.R. 26(B) does not provide a mechanism for filing multiple applications to reopen, appellant's application is **DENIED**.

The clerk is **ORDERED** to serve all counsel of record at their last known addresses. The clerk is further **ORDERED** to serve appellant by certified mail, return receipt requested. If returned unserved, the clerk shall serve appellant by ordinary mail.

IT IS SO ORDERED.

FOR THE COURT



Aaron M. McHenry
Magistrate