

**IN THE SUPREME COURT OF OHIO**

<b>CINCINNATI BAR ASSOCIATION,</b>	:	
	:	
<b>Relator,</b>	:	<b>Case No. 2008-412</b>
	:	
<b>v.</b>	:	
	:	
<b>PATRICK E. MOEVES,</b>	:	
	:	
<b>Respondent.</b>	:	

**NOTICE TO THE COURT**

This Court's order filed January 26, 2011, found Respondent, Patrick E. Moeves, in contempt and further ordered that determination of the appropriate punishment would be made when the Court was provided with information necessary to determine the status of the criminal proceedings against Respondent in the State of Kentucky, Kenton County District Court. On March 21, 2011, Relator, the Cincinnati Bar Association, submitted certified copies of the Indictment and the Arraignment Order from the Kenton Circuit Court in Case No. 11-CR-00163. On April 1, 2011, upon consideration of the Indictment and the Arraignment Order, this Court ordered that imposition of a penalty would be made upon Relator's filing of the final order in Case No. 11-CR-00163. In response to the Court's Order, Relator hereby submits a certified copy of the Judgment and Sentence on Plea of Guilty in Case No. 11-CR-00163. Additionally, for the information of the Court, Relator submits certified copies of the Judgment and Sentence on Plea of Guilty in Case No. 11-CR-00162 and Case No. 11-CR-0015 which, all taken together, provide for an eight-year sentence.

**RECEIVED**  
 OCT 19 2011  
 CLERK OF COURT  
 SUPREME COURT OF OHIO

**FILED**  
 OCT 19 2011  
 CLERK OF COURT  
 SUPREME COURT OF OHIO

Respectfully submitted,

CINCINNATI BAR ASSOCIATION

By: John G. Slauson by law  
John G. Slauson (#0024700)  
119 E. Court Street  
Cincinnati, OH 45202  
Phone: (513) 632-5315  
Fax: (513) 361-0047

By: Rosemary D. Welsh  
Rosemary D. Welsh (#0064790)  
221 E. Fourth St., Suite 2000  
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Phone: (513) 723-4487  
Fax: (513) 852-8449

By: Richard L. Creighton by law  
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Phone: (513) 579-6513  
Fax: (513) 579-6457

**CERTIFICATE OF SERVICE**

I hereby certify that a copy of the foregoing Relator's Notice to the Court was mailed by first class U.S. mail, postage prepaid, to Patrick E. Moeves, Esq., Kenton County Detention Center, 3000 Decker Crane Lane, Covington, KY 41017, and John Delaney, Esq., Public Defender's Office, 333 Scott Street, Suite #400, Covington, KY 41011-1534 on this 8<sup>th</sup> day of October, 2011.

  
Rosemary D. Welsh

**COMMONWEALTH OF KENTUCKY  
SIXTEENTH JUDICIAL CIRCUIT  
KENTON CIRCUIT COURT  
FIRST DIVISION**

ENTERED  
KENTON CIRCUIT/DISTRICT COURT  
OCT - 6 2011  
JOHN G. MIDDLETON  
BY *Jm* D.C.

**COMMONWEALTH OF KENTUCKY**

**PLAINTIFF**

**VS**

**JUDGMENT AND SENTENCE  
ON PLEA OF GUILTY**

**NO. 11-CR-00163**

**PATRICK MOEVES**

**DEFENDANT**

\* \* \* \* \*

The Defendant, Patrick Moeves, at arraignment, entered a plea of NOT GUILTY to the charge contained in the Indictment of Theft By Deception, Value \$500 or More, a felony. On September 7, 2011, having appeared in open court with his attorney, Hon. John Delaney, by agreement with the attorney for the Commonwealth, he withdrew his plea of not guilty and entered a plea of GUILTY. Finding that the Defendant knowingly and voluntarily waived his right to plead innocent, to be tried by a jury, to compel the attendance of witnesses in his behalf and to confront and cross examine witnesses, and finding further that the Defendant understood and voluntarily waived his right not to incriminate himself and finding that the plea was voluntary, the Court accepted the plea.

On October 4, 2011 the Defendant appeared in open Court with his attorney, Hon. John Delaney, and the Court inquired of the Defendant and his attorney whether they had any legal cause why Judgment should not be pronounced, and afforded the Defendant and his counsel an opportunity to make statements in the Defendant's behalf; and having duly considered the written report of the Probation and Parole Department's presentence investigation, Defendant and his counsel each having read the entire report and each

*Jm*

having informed the Court that it was accurate except that Defendant contests the amount of jail credit awarded and other minor changes made on the face thereof, and having considered the nature and circumstances of the crimes and history, character and condition of the Defendant, the Court is of the opinion that **IMPRISONMENT** is necessary for the protection of the public.

### J U D G M E N T

IT IS HEREBY ORDERED AND ADJUDGED by the Court that the Defendant, Patrick Moeves, on his plea of guilty to the charge of Theft By Deception, Value \$500 or More, a felony, be and he hereby is sentenced to a term of two (2) years in the Kentucky State Reformatory. Said sentence shall run CONSECUTIVE to all other sentences.

IT IS FURTHER ORDERED AND ADJUDGED that Defendant shall pay restitution in the amount of \$8,100 to John Ackerman, 34 Brigadiar Court, Wilder, Kentucky 41071, plus 5% clerk's fee through the Kenton Circuit Clerk's Office.

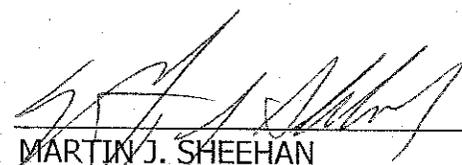
IT IS FURTHER ORDERED AND ADJUDGED by the Court that commitment shall issue and the Defendant is committed to the custody of the Bureau of Corrections, Commonwealth of Kentucky, and the Sheriff of Kenton County is ORDERED to forthwith convey him from the Kenton County Detention Center at Covington, Kentucky, to said reformatory, where it will take custody of said Defendant-prisoner.

Time spent in custody (as certified by the jailer and the Kentucky Department of Corrections) prior to the commencement of this sentence as a result of the charges or charges herein, SHALL BE CREDITED toward service of the maximum term of imprisonment. KRS 532.120(3).

IT IS FURTHER ORDERED AND ADJUDGED by the Court that costs are WAIVED due to Defendant having been found to be a "poor person" under KRS 453.190(2).

**IT IS FURTHER ORDERED that the Department of Corrections shall recalculate any applicable jail credit to which the Defendant may appear entitled pursuant to KRS 532.120(3) within thirty (30) days of the date of entry hereof.**

Done this 5 day of Oct, 2011.

  
MARTIN J. SHEEHAN  
Kenton Circuit Judge

Distribution:

- Original - Kenton Circuit Clerk's Office
- One Copy - Commonwealth's Office
- One Copy - Kenton Co. Prob/Parole
- One Copy - Kenton Co. Pretrial Services
- One Copy - Kenton Co. Detention Center
- One Copy - Kenton Co. Sheriff's Office
- One Copy - Warden Assessment Center
- One Copy - Hon. John Delaney

STATE OF KENTUCKY  
COUNTY OF KENTON

I, JOHN C. MIDDLETON, Clerk of the  
Circuit/District Courts, do hereby certify that  
the foregoing is a true and correct copy of the  
original as recorded in my office.

This 13<sup>th</sup> day of Oct 2011

BY: John C. Middleton D.C.

I, JOHN C. MIDDLETON, CLERK OF THE  
KENTON CIRCUIT/DISTRICT COURT, HEREBY CERTIFY  
THAT I HAVE MAILED A COPY OF THE FOREGOING  
ORDER/JUDGMENT TO ALL PARTIES HERETO AT  
THEIR LAST KNOWN ADDRESS OR THEIR COUNSEL OF  
RECORD THIS THE 6 DAY OF Oct. 2011  
JOHN C. MIDDLETON, CLERK  
BY: John C. Middleton D.C.

**COMMONWEALTH OF KENTUCKY  
SIXTEENTH JUDICIAL CIRCUIT  
KENTON CIRCUIT COURT  
FIRST DIVISION**

ENTERED  
KENTON CIRCUIT/DISTRICT COURT  
OCT - 6 2011  
JOHN C. MIDDLETON  
BY *JCM* D.C.

**COMMONWEALTH OF KENTUCKY**

**PLAINTIFF**

**VS**

**JUDGMENT AND SENTENCE  
ON PLEA OF GUILTY**

**NO. 11-CR-00162**

**PATRICK MOEVES**

**DEFENDANT**

\* \* \* \* \*

The Defendant, Patrick Moeves, at arraignment on March 8, 2011, entered a plea of NOT GUILTY to the charge contained in the Indictment of Count I - Theft By Deception, Value \$500 or More, a felony.

On September 7, 2011 Defendant appeared in open court with his attorney, Hon. John Delaney, and was arraigned on Count II - Forgery Second Degree, a felony, contained in the Felony Criminal Information and Waiver of Grand Jury Indictment. At that time he withdrew his plea of not guilty to Count I and entered a plea of GUILTY to both Counts I and II. Finding that the Defendant knowingly and voluntarily waived his right to plead innocent, to be tried by a jury, to compel the attendance of witnesses in his behalf and to confront and cross examine witnesses, and finding further that the Defendant understood and voluntarily waived his right not to incriminate himself and finding that the plea was voluntary, the Court accepted the plea.

On October 4, 2011 the Defendant appeared in open Court with his attorney, Hon. John Delaney, and the Court inquired of the Defendant and his attorney whether they had any legal cause why Judgment should not be pronounced, and afforded the Defendant

and his counsel an opportunity to make statements in the Defendant's behalf; and having duly considered the written report of the Probation and Parole Department's presentence investigation, Defendant and his counsel each having read the entire report and each having informed the Court that it was accurate except for minor changes made on the face thereof, and having considered the nature and circumstances of the crimes and history, character and condition of the Defendant, the Court is of the opinion that

**IMPRISONMENT** is necessary for the protection of the public.

### J U D G M E N T

IT IS HEREBY ORDERED AND ADJUDGED by the Court that the Defendant, Patrick Moeves, on his plea of guilty to the charge of Count I - Theft By Deception, Value \$500 or More, a felony, be and he hereby is sentenced to a term of two (2) years in the Kentucky State Reformatory; and on his plea of guilty to Count II - Forgery Second Degree, a felony, he is hereby sentenced to two (2) years in the Kentucky State Reformatory. Said sentences shall run CONSECUTIVE with each other and CONSECUTIVE with any other sentence.

IT IS FURTHER ORDERED AND ADJUDGED that Defendant shall pay \$4,000 to the Boone Circuit Court on behalf of Jackie Bohanon (restitution owed in Boone Circuit Case Number 06-CR-00850), and shall also pay restitution, if any, in an amount to be set to the Estate of Elsie Colby (Kenton District Case Number 09-P-159). Defendant reserved the right to challenge same.

IT IS FURTHER ORDERED AND ADJUDGED by the Court that commitment shall issue and the Defendant is committed to the custody of the Bureau of Corrections,

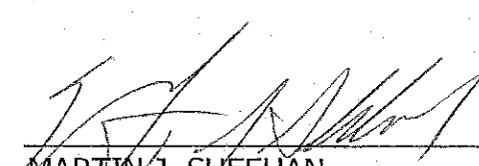
Commonwealth of Kentucky, and the Sheriff of Kenton County is ORDERED to forthwith convey him from the Kenton County Detention Center at Covington, Kentucky, to said reformatory, where it will take custody of said Defendant-prisoner.

Time spent in custody (as certified by the jailer and the Kentucky Department of Corrections) prior to the commencement of this sentence as a result of the charges or charges herein, SHALL BE CREDITED toward service of the maximum term of imprisonment. KRS 532.120(3).

IT IS FURTHER ORDERED AND ADJUDGED by the Court that costs are WAIVED due to Defendant having been found to be a "poor person" under KRS 453.190(2).

**IT IS FURTHER ORDERED that the Department of Corrections shall recalculate any applicable jail credit to which the Defendant may appear entitled pursuant to KRS 532.120(3) within thirty (30) days of the date of entry hereof.**

Done this 5 day of OCT., 2011.

  
MARTIN J. SHEEHAN  
Kenton Circuit Judge

STATE OF KENTUCKY  
COUNTY OF KENTON

I, JOHN C. MIDDLETON, Clerk of the  
Circuit/District Courts, do hereby certify that  
the foregoing is a true and correct copy of the  
original as recorded in my office.

This 13<sup>th</sup> day of Oct., 2011  
JOHN C. MIDDLETON

BY: J.C.M. D.C.

Distribution:

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- One Copy - Kenton Co. Pretrial Services
- One Copy - Kenton Co. Detention Center
- One Copy - Kenton Co. Sheriff's Office
- One Copy - Warden Assessment Center
- One Copy - Hon. John Delaney

I, JOHN C. MIDDLETON, CLERK OF THE  
KENTON CIRCUIT/DISTRICT COURT, HEREBY CERTIFY  
THAT I HAVE MAILED A COPY OF THE FOREGOING  
ORDER/JUDGMENT TO ALL PARTIES HERETO AT  
THEIR LAST KNOWN ADDRESS OR THEIR COUNSEL OF  
RECORD THIS THE 6 DAY OF Oct., 2011

JOHN C. MIDDLETON, CLERK  
BY: J.C.M. D.C.

COMMONWEALTH OF KENTUCKY  
SIXTEENTH JUDICIAL CIRCUIT  
KENTON CIRCUIT COURT  
FIRST DIVISION

ENTERED  
KENTON CIRCUIT/DISTRICT COURT  
OCT - 6 2011  
JOHN C. MIDDLETON  
BY *[Signature]* D.C.

COMMONWEALTH OF KENTUCKY

PLAINTIFF

vs.

JUDGMENT AND SENTENCE  
ON PLEA OF GUILTY

NO. 11-CR-00145

PATRICK MOEVES

DEFENDANT

\* \* \* \* \*

The Defendant, Patrick Moeves, having been indicted by the Kenton County Grand Jury on the charge of Theft By Deception, Over \$10,000, a felony; arraignment having been held in this Court under the date of March 8, 2011; said Defendant appeared in open Court together with counsel and personally entered a plea of NOT GUILTY to the aforementioned charge.

Thereafter, on September 17, 2011, the Defendant again appeared in open Court represented by counsel, Hon. John Delaney. At that time, the Commonwealth made a motion to amend the charge stated in the Indictment from that of Theft By Deception, Over \$10,000, a felony, to Theft By Deception, Over \$500, a felony. There being no objection by the defense, the Court SUSTAINED the Commonwealth's motion, and the charge was amended accordingly. At that time, Defendant personally entered a plea of GUILTY to the amended charge. Finding that the Defendant knowingly and voluntarily waived his right to plead innocent, to be tried by a jury, to compel the attendance of witnesses in his behalf and to confront and cross examine witnesses, and finding further that the Defendant understood and voluntarily waived his right not to incriminate himself and finding that the plea was voluntary, the Court then accepted the Defendant's plea of guilty to the amended charge.

Then on October 4, 2011 the Defendant again appeared in open Court with his attorney,

Hon. John Delaney. The Court inquired of the Defendant and his counsel whether they had any legal cause why Judgment should not be pronounced, and afforded the Defendant and his counsel an opportunity to make statements in the Defendant's behalf; and having duly considered the written report of the Probation and Parole Department's presentence investigation, Defendant and his counsel having read the entire report and each having informed the Court that it was accurate except for a minor change made on the face thereof, and having considered the nature and circumstances of the crimes and history, character and condition of the Defendant; the Court is of the opinion the **IMPRISONMENT** is necessary for the protection of the public.

#### JUDGMENT

IT IS HEREBY ORDERED AND ADJUDGED by the Court that the Defendant, Patrick Moeves, on his plea of guilty to the charge of Theft By Deception, Over \$500, a felony, be and he hereby is sentenced to a term of two (2) years in the Kentucky State Reformatory, said sentence to run CONSECUTIVE to all other sentences.

IT IS FURTHER ORDERED AND ADJUDGED by the Court that Defendant, Patrick Moeves, shall pay restitution in the amount of \$62,650.17 to Joyce Elliott, 3244 Crestline, Erlanger, Kentucky 41018, plus 5% Clerk's fee through the Kenton Circuit Clerk's Office.

IT IS FURTHER ORDERED AND ADJUDGED by the Court that commitment shall issue and the Defendant is committed to the custody of the Bureau of Corrections, Commonwealth of Kentucky, and the Sheriff of Kenton County is ORDERED to forthwith convey him from the ~~Kenton County Detention Center at Covington, Kentucky, to said reformatory, where it will take~~ custody of said Defendant-prisoner.

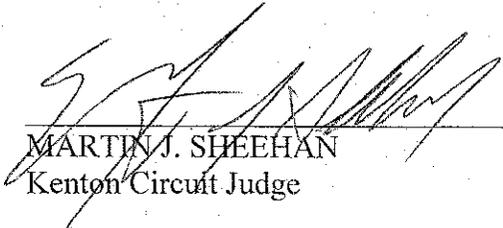
Time spent in custody (as certified by the jailer and the Kentucky Department of

Corrections) prior to the commencement of this sentence as a result of the charges or charges herein, SHALL BE CREDITED toward service of the maximum term of imprisonment. KRS 532.120(3).

IT IS FURTHER ORDERED AND ADJUDGED by the Court that costs and fines are WAIVED due to Defendant having been found to be a "poor person" under KRS 453.190(2).

**IT IS FURTHER ORDERED that the Department of Corrections shall recalculate any applicable jail credit to which the Defendant may appear entitled pursuant to KRS 532.120(3) within thirty (30) days of the date of entry hereof.**

So ORDERED this 5 day of Oct., 2011.

  
MARTIN J. SHEEHAN  
Kenton Circuit Judge

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STATE OF KENTUCKY  
COUNTY OF KENTON

I, JOHN C. MIDDLETON, Clerk of the Circuit/District Courts, do hereby certify that the foregoing is a true and correct copy of the original as recorded in my office.

This 13<sup>th</sup> day of Oct 2011

BY: JCM D.C.

I, JOHN C. MIDDLETON, CLERK OF THE KENTON CIRCUIT/DISTRICT COURT, HEREBY CERTIFY THAT I HAVE MAILED A COPY OF THE FOREGOING ORDER/JUDGMENT TO ALL PARTIES HERETO AT THEIR LAST KNOWN ADDRESS OR THEIR COUNSEL OF RECORD THIS THE 6 DAY OF Oct. 2011

JOHN C. MIDDLETON, CLERK  
BY: JCM D.C.