

ORIGINAL

IN THE SUPREME COURT OF OHIO

DOUGLAS J. WINE	:	CASE NO. 2012-1611
	:	
Appellant	:	On Appeal from the Auglaize County
	:	Court of Appeals, Third Appellate Dist.
v.	:	
	:	C.A. Case No. 2-12-01
STATE OF OHIO	:	
	:	EXPEDITED REVIEW REQUESTED
Appellee	:	
	:	

MOTION FOR ORDER TO HAVE CLERK OF COURT RELEASE PASSPORT

The Appellant, Douglas J. Wine, through counsel requests that this honorable Court enter an order to the Supreme Court Clerk to release the Appellant's passport. The passport was included with the record sent by the Auglaize County Clerk of Court to this Court.

The Appellant's case is in this Court, having been accepted for one Proposition of Law proposed by the Appellant.

Since this Court's acceptance of the Proposition of Law, the Appellant has been adjudicated guilty and sentenced of a 3rd degree misdemeanor offense per the Court of Appeals remand. The Appellant was sentenced to time served, a fine, court costs and Tier 3 registration requirements. There is no probation. There is no post-conviction control. Attached is a copy of the Sentencing Entry. (See attached)

There is no logical reason for this Court to have the passport within the record sent to this Court. There are no issues at all regarding the passport.

RECEIVED
MAY 17 2013
CLERK OF COURT
SUPREME COURT OF OHIO

FILED
MAY 17 2013
CLERK OF COURT
SUPREME COURT OF OHIO

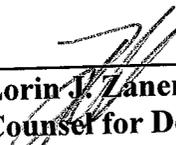
Respectively submitted,



LORIN J. ZANER (0008195)
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Toledo, Ohio 43604
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(419) 242-8658 Fax
lorinzaner@accesstoledo.com
Counsel of Record for the Appellant

CERTIFICATE OF SERVICE

I certify that a copy of this Motion was sent this 16th day of May, 2013, by ordinary U.S. mail to Edwin A. Pierce, Auglaize County Prosecuting Attorney, P.O. Box 1992, Wapakoneta, Ohio, 45895.



Lorin J. Zaner (0008195)
Counsel for Douglas J. Wine

IN THE COURT OF COMMON PLEAS
AUGLAIZE COUNTY, OHIO
CRIMINAL DIVISION

AUGLAIZE COUNTY
COMMON PLEAS COURT
FILED

2013 MAR 19 P 4: 20

STATE OF OHIO
Plaintiff,

*

CASE NO: 2011-CR-26

I. JEAN MECKSTROTH
CLERK OF COURTS

*

-VS-

*

JOURNAL ENTRY—

*

NUNC PRO TUNC

DOUGLAS J. WINE
Defendant.

ORDERS ON SENTENCE

The Defendant appeared this March 8, 2013, before the Court for the imposition of Sentence. The Defendant was present represented by Attorney Lorin J. Zaner, and the State of Ohio was represented by Attorney Edwin A. Pierec of the Auglaize County Prosecuting Attorney's Office.

The Court inquired of the Defendant and Defendant's attorney as to whether either of them had any reason why Sentence should not be imposed, both answering in the negative.

Prior to imposing Sentence, the Court asked the Defendant and Defendant's attorney if they wished to address the Court in mitigation of punishment. The Court has considered the record, oral statements, any Victim Impact Statement and Pre-Sentence Report prepared as well as the principles and purposes of sentencing under Ohio Revised Code §2929.11, and has balanced the seriousness and recidivism factors under Ohio Revised Code §2929.12.

The Court finds the Defendant has been convicted, pursuant to a Verdict of Guilty and a subsequent judgment of the Court of Appeals dated June 25, 2012, of the lesser included offense of:

COUNT I— a charge of SEXUAL IMPOSITION, a violation of Ohio Revised Code §2907.06(A)(1), a MISDEMEANOR of the 3RD degree.

It is hereby ORDERED that Defendant be sentenced to serve a SIXTY (60) DAYS in the Auglaize County Correctional Center as a residential sanction. The Court GRANTS the Defendant -60- days Jail Time Credit.

The Defendant shall pay a fine of \$500.00 as to Count I, plus court costs, payable through the Clerk of Courts.

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The Court FINDS that the Defendant is a Tier I sex offender, and ORDERS the Defendant to register for a period of **15 Years with in-person verification annually** in accordance with the Ohio Revised Code. The Court notified the Defendant of his duty to register, read and explained the form to the Defendant.

The Clerk shall also serve the original (White copy) of the "Explanation of Duties to Register as a Sex Offender or Child Victim Offender Duties..." Form to the Bureau of Criminal Investigation by Certified U.S. Mail, return receipt requested, for processing according to law, and to place the Gold colored copy of that form to be filed in the case file in this case, demonstrating that the Court read and explained said duties to the Defendant, who has acknowledged that said requirements were explained to him and that he must abide by all of the provisions of the Ohio Revised Code Chapter 2950.

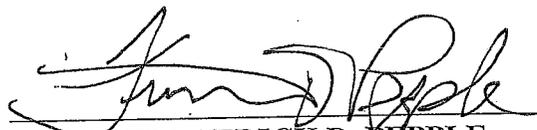
The Court notifies the Defendant that: (a) If the defendant fails to pay that judgment or fails to timely make payments towards that judgment under a payment schedule approved by the court, the court may order the defendant to perform community service in an amount of not more than forty hours per month until the judgment is paid or until the court is satisfied that the defendant is in compliance with the approved payment schedule, (b) If the court orders the defendant to perform the community service, the defendant will receive credit upon the judgment at the specified hourly credit rate per hour of community service performed, and each hour of community service performed will reduce the judgment by that amount.

Costs assessed to the Defendant. Judgment for fine and Court costs.

Pursuant to Criminal Rule 32, the Court advised the Defendant of his appellate rights. The Defendant acknowledged understanding of the same.

The Clerk of Courts shall cause a copy of this Journal Entry to be served on Douglas J. Wine, 227 Candlewood, St. Marys, Ohio 45885 by Regular U.S. Mail; and Attorney Lorin J. Zaner, 545 Pitzer Building, Toledo, Ohio 43604 by Regular U.S. Mail, and a copy on the Auglaize County Sheriff, the Ohio Adult Parole Authority and the Prosecuting Attorney by hand delivering the same.

IT IS SO ORDERED.



JUDGE FREDERICK D. PEPPLE

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IN THE COURT OF COMMON PLEAS
AUGLAIZE COUNTY, OHIO
CRIMINAL DIVISION

AUGLAIZE COUNTY
COMMON PLEAS COURT
FILED

2013 MAR -8 P 3:19

STATE OF OHIO
Plaintiff,

* CASE NO: 2011-CR-26
* JUAN MECKSTROTH
CLERK OF COURTS

-VS-

* JOURNAL ENTRY—ORDERS
* ON SENTENCE

DOUGLAS J. WINE
Defendant.

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The Court finds the Defendant has been convicted, pursuant to a Verdict of Guilty and a subsequent judgment of the Court of Appeals dated June 25, 2012, of the lesser included offense of:

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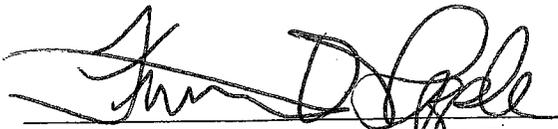
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IT IS SO ORDERED.



JUDGE FREDERICK D. PEPPLE

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