

UNIFORM SENTENCING ENTRY INTRODUCTION

The Uniform Sentencing entry is intended to provide practitioners with a template prescribing the minimum information required in a felony sentencing entry. Recognizing the complex nature of felony sentencing in Ohio, the Ad Hoc Committee worked to identify all elements necessary for an entry to comply with the Revised Code, Criminal Rule 32 as well as existing case law, and to develop the clearest and most concise language to comply with those requirements. Courts will be able to supplement the provided language with additional case-specific information pertinent to sentencing decisions or orders of the court at the time of sentencing.

Not every case requires an interpreter, and as such not every case will need interpreter language in the sentencing entry. But where an interpreter is used at a hearing, the entry should reflect that fact. The Ad Hoc Committee identified these conditional variables with a checkbox () in the entry with a reference to the instructions section where the appropriate language can be found. By leaving the check-box headings in the body of the uniform entry, practitioners are informed as to where that language should be found in the entry, when necessary. The check boxes are not intended for inclusion in the filed entry, but merely to identify when conditional language should be used when applicable. Similarly, bracketed text appearing in red e.g. **[EXAMPLE]** represents a fillable field or options to be selected depending on case-specific circumstances e.g. “The defendant is advised that post-release control is **[MANDATORY / DISCRETIONARY]**...” Blue bracketed heading without the conditional selection check box represent mandatory language in the entry.

The instructions sections following the entries also include additional information related to the topic, such as issues that may arise during the sentencing hearing and additional inquiries the Court may need to make. Courts will need to comply with local appellate decisions specific to sentencing entries – for example in Uniform Sentencing Entry instruction 9, where there is a split among appellate districts as to the application of R.C. 2929.13(B)(1)(a) regarding multiple offenses. The instructions currently attempt to point out where several such conflicts exist.

Several charts are included as the clearest and most accessible way to quickly look at an entry to determine the sentence imposed. In the Uniform Sentencing Entry, the Disposition chart lays out all counts before the Court for sentencing in the case. The sentence chart details both the count-specific sentence and provides a space for aggregate minimum and maximum terms in non-life felony indefinite sentencing cases, and for the total stated prison term in the case. A specification chart is included to detail count-by-count specification time – members felt a separate chart was necessary to delineate complicated cases with multiple specifications, particularly where merger of specifications could become an issue.

The Supreme Court has revisited much of its prior jurisprudence on when a sentence in a criminal case is void and subject to attack at any time versus when it is merely voidable and must be attacked on direct appeal, as illustrated in the decisions in *State v. Henderson*, 161 Ohio St.3d 285, 2020-Ohio-4784; *McKinney v. Haviland*, 162 Ohio St.3d 150, 2020-Ohio-4785; and *State v. Harper*, 160 Ohio St.3d 480, 2020-Ohio-2913. These decisions highlight the need for errors in the sentencing entry to be addressed on direct appeal. The Uniform Sentencing Entry will help courts avoid these errors and provide for easier review of the entry by the parties, ensuring that errors will not go unnoticed and be addressed before time deadlines have expired.

Finally, the Ohio Criminal Sentencing Commission will monitor legislation and Supreme Court case law, work to keep the uniform entry up to date with any necessary changes, notify practitioners of those changes, and work with jurisdictions to provide any necessary implementation training as the entry is adopted.

IN THE COMMON PLEAS COURT OF [NAME] COUNTY, OHIO

THE HONORABLE JUDGE [NAME] PRESIDING

State of Ohio :

Plaintiff :

Case No. CR N

v. :

UNIFORM SENTENCING ENTRY

[NAME] :

Defendant :

() [INITIAL SENTENCING]¹

() [SENTENCING ON REMAND]²

() [VISITING / SUBSTITUTE JUDGE / RECUSAL]³

() [DEFENDANT'S PRESENCE]⁴

() [COUNSEL FOR DEFENDANT / WAIVER]⁵

[STATE'S REPRESENTATIVE]⁶

HEARING RECORDED⁷

() [INTERPRETER QUALIFICATION]⁸

() [VICTIM INQUIRY]⁹

[ALLOCATION, PARTY STATEMENTS, AND CONSIDERATIONS]¹⁰

() [DEFENSE COUNSEL PRESENT]

() [PRO SE DEFENDANT]

CONVICTION & FINDINGS

[DISPOSITION]¹¹

The Court finds that the defendant was found guilty of the following:

INSTRUMENT - TYPE	COUNT #	STATUTORY OFFENSE CODE	NAME OF OFFENSE	OFFENSE LEVEL	DISPOSITION	DATE	SPECIFICATIONS (NAME AND CODE SECTION)

- () [JUVENILE BINDOVER – MANDATORY OR DISCRETIONARY]¹²
- () [SERIOUS MENTAL ILLNESS FINDING – DEFENDANT INELIGIBLE FOR CAPITAL PUNISHMENT]¹³
- () [MERGER OF OFFENSES]¹⁴
- () MERGER OF SPECIFICATIONS¹⁵
- () [R.C. 2929.11 AND 2929.12 FACTORS]¹⁶
- () [JUVENILE BINDOVER SENTENCING CONSIDERATIONS]¹⁷
- () [COMMUNITY CONTROL SANCTION FOR NON-VIOLENT F4/F5 & DIV. B DRUG OFFENSES]¹⁸
RC 2929.13(B)(1)]
- () [TCAP]¹⁹
- () [F3 AND DIV. C DRUG OFFENSES]²⁰
- () [PRISON PRESUMPTION]²¹
- () [MANDATORY SENTENCES]²²
- () [JOINT RECOMMENDATION]²³
- () [MULTIPLE COUNTS – CONSECUTIVE / CONCURRENT SENTENCING]²⁴

SENTENCE

- () [INCARCERATION IMPOSED]²⁵

The Court hereby imposes the following sentence:

COUNT #	SENTENCE (SPECIFY DEFINITE, MINIMUM, OR LIFE)	LENGTH OF TERM	MANDATORY	CONC W/ COUNT(S)	CONSEC TO COUNT(S)	SPECS	SPEC CONC	SPEC CONSEC
			(<input type="checkbox"/>)				(<input type="checkbox"/>)	(<input type="checkbox"/>)
			(<input type="checkbox"/>)				(<input type="checkbox"/>)	(<input type="checkbox"/>)
			(<input type="checkbox"/>)				(<input type="checkbox"/>)	(<input type="checkbox"/>)
AGGREGATE MINIMUM TERM								
MAXIMUM TERM								

STATED PRISON TERM (Includes sum of any specifications below)	
--	--

- () [SPECIFICATION CHART]²⁶
- () [JUVENILE BINDOVERS – PAROLE ELIGIBILITY]²⁷
- () [REPEAT VIOLENT OFFENDER SPECIFICATIONS]²⁸
- () MULTIPLE CASES – CONSECUTIVE / CONCURRENT SENTENCING²⁹
- () [ORDER OF SENTENCES]³⁰
- () [NON-LIFE FELONY INDEFINITE SENTENCING]³¹
- () [RISK REDUCTION SENTENCE]³²
- () [COMMUNITY CONTROL IMPOSED]³³
- () [NON-LIFE FELONY INDEFINITE MAXIMUM TERM]³⁴

[CONDITIONS OF COMMUNITY CONTROL IF NOT ATTACHED]

- () [RESIDENTIAL SANCTIONS]³⁵
- () [NONRESIDENTIAL SANCTIONS]³⁶
- () [COURTESY SUPERVISION / INTERSTATE COMPACT FOR ADULT OFFENDER SUPERVISION]³⁷
- () [JOINT RECOMMENDATION ACCEPTED]³⁸

[POST-RELEASE CONTROL]³⁹

- () OFFENDER ON TRANSITIONAL / POST-RELEASE CONTROL AT TIME OF A NEW FELONY OFFENSE⁴⁰

[COURT COSTS AND FEES]⁴¹

- () [RESTITUTION]⁴²
- () [FINES]⁴³
- () [OTHER FINANCIAL SANCTIONS]⁴⁴
- () [LICENSE SUPENSION]⁴⁵
- () [FORFEITURE]⁴⁶
- () [PROPERTY DISPOSITION]⁴⁷

[BOND]⁴⁸

- () [DISMISSED CHARGES / SPECIFICATIONS]⁴⁹
- () [REMAND / CONVEY]⁵⁰

[JAIL TIME CREDIT]⁵¹

- () [REGISTRATION OFFENSES]⁵²
- () [DNA COLLECTION]⁵³
- () [FINGERPRINTING]⁵⁴
- () [BCI / LEADS / NICS REPORTING]⁵⁵
- () [CIVIL RIGHTS / FIREARM DISABILITIES]⁵⁶
- () [APPEAL RIGHTS]⁵⁷
- () [STAY OF EXECUTION / APPELLATE BOND]⁵⁸

IT IS SO ORDERED

JUDGE: _____

DATE: _____

UNIFORM SENTENCING ENTRY INSTRUCTIONS

As reminder, the Uniform Sentencing entry was developed as a template prescribing the minimum information required, and the provided language may be supplemented with additional case-specific information pertinent to the sentencing decisions or with specific orders of the court at the time of sentencing.

1- [INITIAL SENTENCING]

Language for use at initial sentencing of the case.

() **[INITIAL SENTENCING]**

This case came before the Court on **[DATE]** for sentencing pursuant to R.C. 2929.19.

2- [SENTENCING ON REMAND]

Language for use when a case is back before the Court for resentencing. Courts will include the original sentencing date, as well as information regarding the Court of Appeals case which led to the resentencing.

A space is provided for the Court to detail what issues led the Appellate Court to order a resentencing hearing take place. Courts can indicate in this space if the remand was to the case as a whole or just for specific counts.

() **[SENTENCING ON REMAND]**

This case came before the Court on **[DATE]** for sentencing after remand by the Court of Appeals. The case originally came before the Court on **[DATE]** for sentencing pursuant to R.C. 2929.19. On **[DATE]** the **[NUMBER]** District Court of Appeals issued a decision in **[CASE NUMBER]** following appeal of the previous judgment and/or sentence in this case. **[DETAIL APPELLATE DECISION / COUNTS SUBJECT TO RESENTENCING]**.

3- [VISITING / SUBSTITUTE JUDGE / RECUSAL]

Note where the hearing was conducted by a visiting / Substitute Judge other than the assigned judge on the case.

() **[VISITING / SUBSTITUTE JUDGE / RECUSAL]**

Due to the **[UNAVAILABILITY / RECUSAL]** of **[NAME OF ASSIGNED JUDGE]**, **[VISITING / SUBSTITUTE]** Judge **[NAME]** presided over the hearing on this date.

4- [DEFENDANT'S PRESENCE]

Note the defendant's presence or absence for the record.

() **[DEFENDANT'S PRESENCE]**

The defendant was present in the courtroom.

Pursuant to Crim.R. 43, a defendant may waive the defendant's physical presence at a criminal proceeding either orally on the record or in writing and participate in the proceeding via remote contemporaneous video technology. See Crim.R. 43(A)(2)(a-e) for specific requirements of the video conferencing technology.

() **[DEFENDANT NOT PRESENT – WAIVER]**

The Court notified the parties in advance of the availability of videoconferencing technology. The defendant waived the defendant's right to be physically present at the hearing **[ORALLY/IN WRITING]** pursuant to Crim.R. 43(A)(3) and the proceedings were conducted via remote contemporaneous video technology that allowed for the defendant to see and

hear the proceedings, to speak and be heard by the court and the parties, and to communicate with counsel privately.

A defendant may also be excluded from a proceeding due to disruptive behavior pursuant to Crim.R. 43(B). Courts should note that disruptive behavior for the record, as well as any accommodations (such as use of contemporaneous video technology) made to preserve the rights of the defendant.

() **[DEFENDANT NOT PRESENT – DISRUPTIVE BEHAVIOR]**

[DETAIL DEFENDANT’S DISRUPTIVE BEHAVIOR] Due to the persistent disruptive conduct of the offender, the Court found pursuant to Crim.R. 43(B) that the proceedings could not reasonably be conducted with the defendant present in the courtroom, and therefore ordered that the defendant be removed. The Court then proceeded with the hearing. **[NOTE ANY STEPS TAKEN TO PRESERVE RIGHTS OF DEFENDANT]**

⁵ **[COUNSEL FOR DEFENDANT / WAIVER]**

Note the presence or absence of defense counsel for the record, including whether the defendant has previously waived the defendant’s right to counsel, whether the defendant did so at the hearing in question, and where standby counsel has been appointed to assist the defendant.

Ohio allows for standby counsel to be appointed by the trial court, in its discretion, when a defendant has waived the right to counsel. The role of standby counsel is to assist the defendant should the defendant request it. If at any point it is decided the defendant no longer wishes to represent themselves or is otherwise incapable, standby counsel can step in to present a defense in the case. However, the Court has cautioned repeatedly against what is commonly known as “hybrid representation,” or allowing standby counsel to participate alongside a pro se defendant. Hybrid representation is seen- as problematic for a variety of reasons; it can cause confusion in how to manage courtroom proceedings and can usurp the defendant’s right to represent themselves in the proceeding. Courts choosing to appoint standby counsel should be clear as to the role and duties standby counsel is being appointed to fulfill. For more information on standby counsel, see [State v. Martin, 103 Ohio St.3d 385, 2004-Ohio-5471](#), and [State v. Hackett, 164 Ohio St.3d 74, 2020-Ohio-6699](#).

() **[DEFENDANT HAS COUNSEL]**

Counsel for the defendant, **[NAME]**, **[WAS PRESENT/APPEARED BY VIDEO]**.

() **[PRO SE DEFENDANT]**

Defendants have a sixth amendment right to waive the right to counsel and represent themselves. The request must be unequivocal, and the trial court must conduct an inquiry to insure the defendant is aware of the consequence of giving up the right to counsel and of the “dangers and disadvantages of self-representation” – including specific facts and circumstances about the defendant’s situation or charges that affect the decision to waive counsel. The request and waiver inquiry must take place on the record pursuant to Crim.R. 22, and in “serious offenses” (felonies), that waiver must also be in writing pursuant to Crim.R. 44.

() **[PRIOR WAIVER]**

At a hearing on **[DATE]**, the defendant requested to waive the right to counsel and represent themselves. The Court conducted an inquiry and found that waiver to be knowingly, intelligently, and voluntarily made.

() **[STANDBY COUNSEL PREVIOUSLY APPOINTED]**

Standby counsel for the defendant, **[NAME]**, **[WAS PRESENT/APPEARED BY VIDEO]**.

() **[WAIVER AT THE HEARING]**

The defendant expressed on the record a request to represent themselves in the proceedings. The Court then conducted an inquiry into the reasons thereof and made the defendant aware of the benefits of having counsel and the dangers and disadvantages of proceeding pro se. After the inquiry, the Court found that the defendant was making a knowing, intelligent, and voluntary waiver of the right to counsel, and allowed the defendant to proceed without representation. This waiver was memorialized in writing after the inquiry on the record.

() [STANDBY COUNSEL APPOINTED AT HEARING]

The defendant having waived the right to be represented by counsel, The Court discussed the appointment of stand-by counsel with the defendant, and the court appointed standby counsel [NAME] in this case [AT THE DEFENDANT'S REQUEST/ON ITS OWN MOTION].

6- [STATE'S REPRESENTATIVE]

() [STATE'S REPRESENTATIVE]

The State of Ohio, as represented by [NAME] [WAS PRESENT / APPEARED BY VIDEO].

7- [HEARING RECORDED]

() [HEARING RECORDED]

The hearing took place [ENTIRELY BY REMOTE VIDEOCONFERENCING] / [IN PART BY REMOTE VIDEOCONFERENCING] / [IN PART BY TELEPHONE CONFERENCING] / [ENTIRELY BY TELEPHONE CONFERENCING].

The proceedings were recorded by [NAME OF REPORTER] / [ELECTRONIC RECORDING SYSTEM].

8- [INTERPRETER QUALIFICATION]

Language for use when interpreter is necessary at the sentencing hearing. For additional information about interpreters, see the Supreme Court of Ohio's [Court Interpreter Bench Notes](#).

The Court had previously inquired and found, pursuant to R.C. 2311.14 and Sup.R. 88, that a [LANGUAGE] interpreter was necessary to assist the defendant in understanding the proceedings. The [CERTIFIED/PROVISIONALLY QUALIFIED/REGISTERED/LANGUAGE-SKILLED] interpreter [NAME] [WAS/HAD BEEN PREVIOUSLY] appointed, was sworn on the record, and interpreted for the defendant.

9- [VICTIM INQUIRY]

In crimes involving a victim, the victim/victim's representative has the right to be present during any public proceeding, other than grand jury, and victim/victim's representative and victim's attorney has the right to be heard by the court at any proceeding in which any right of the victim is implicated.

() [VICTIM PRESENT]

The [VICTIM(S)/VICTIM REPRESENTATIVE(S)] was/were present at the hearing and were given the opportunity to be heard.

() [VICTIM PRESENT - VIRTUALLY]

The [VICTIM(S)/VICTIM REPRESENTATIVE(S)] was/were present at the hearing virtually and was/were given the opportunity to be heard.

() [VICTIM NOT PRESENT]

The [VICTIM(S)/VICTIM REPRESENTATIVE(S)] was/were not present at the hearing. The Court asked the prosecutor all of the following:

(i) Whether the victim and victim's representative, if the victim or victim's representative requested notifications, were notified of the time, place, and purpose of the court proceeding;

(ii) To disclose to the court any and all attempts made to give each victim and victim's representative, if applicable, notice;

(iii) Whether the victim or victim representative were advised that the victim and victim's representative had a right to be heard at the court proceeding;

(iv) Whether the victim and victim representative were conferred with pursuant to section [2930.06](#) of the Revised Code.

The Court determined that the hearing may proceed as the prosecutor informed the court that the victim and victim's representative, if the victim or victim's representative requested notifications, were notified of the time, place, and purpose of the court proceeding and that the victim or victim's representative had a right to be heard at the court proceeding, and any and all attempts to give each victim and victim's representative, if applicable, notice. The prosecutor shall inform the court of the victim's and victim's representatives, if applicable, position on the matter before the court, if the position is known to the prosecutor.

10- [ALLOCATION, PARTY STATEMENTS, AND CONSIDERATIONS]

Language regarding the court giving the defendant the opportunity for allocution, along with the opportunity for the state to address the court, as well as the considerations the court has made prior to imposing sentence. The initial language differs based on whether or not the defendant is represented. The concluding paragraph appears regardless of which option is selected.

() **[DEFENSE COUNSEL PRESENT]**

The Court gave defense counsel an opportunity to speak and present mitigation on the defendant's behalf, personally addressed the defendant, and provided the defendant an opportunity for allocution.

() **[PRO SE DEFENDANT]**

The Court personally addressed the defendant, and provided the defendant an opportunity for allocution.

() **[PROSECUTING ATTORNEY]**

The Court gave the prosecuting attorney an opportunity to address the court.

() [The State deferred to the court regarding specific sentencing recommendations.](#)

(MANDATORY LANGUAGE)

Having considered all statements in mitigation as well as the statements of the parties, any presentence investigation, any victim impact statement and/or other statement from the victim or victim's representative, as well as the principles and purposes of sentencing in R.C. 2929.11, the seriousness and recidivism factors in R.C. 2929.12, and all other relevant sentencing statutes, the Court pronounced sentence on the defendant as follows.

CONVICTIONS & FINDINGS

This section uses a chart to illustrate the counts the defendant has been found guilty of as well as findings the court may need to make before imposing sentence. Please note that the Uniform Sentencing Entry was constructed with an assumption that a separate entry will be prepared journalizing the disposition for each count – e.g. an entry of guilty plea.

11- [DISPOSITION]

This section of the entry begins with an eight-column chart detailing the charges for which the defendant was convicted (from left to right in chart). *Columns highlighted in grey indicate that when no data is entered, the column will not appear in the final, published version of the entry.*

Recognizing that counts may be added or amended prior to sentencing, the Disposition chart now includes a "Instrument/Type" column to detail where the count originated and if it has changed in any way since originally filed. This

would include noting if a specification to the count has changed since the indictment. Specifications that were amended during the case would fall under the “amended” category, specifications for which a defendant was found not guilty would fall under the lesser included offense category, and those amended/dismissed pursuant to a plea would fall under the “stipulated lesser” category.

The columns in the Disposition chart are as follows:

1. The charging instrument and type of charge. Codes for other charge types:
 - a. **IND** – Defendant convicted of charge as indicted.
 - i. **IND - AM** – Amended from indicted charge/specification.
 - ii. **IND - STLIO** – Stipulated Lesser of indicted charge/specification.
 - iii. **IND - LIO** – Lesser included offense of indicted charge/specification
 - b. **BOI** – Defendant convicted of charge in Bill of Information
 - i. **BOI - AM** – Amended from charge/specification in Bill of Information.
 - ii. **BOI - STLIO** – Stipulated Lesser of charge/specification in Bill of Information.
 - iii. **BOI - LIO** – Lesser included offense of charge/specification in Bill of Information.
 - c. **COM** – Defendant convicted of charge in Complaint
 - i. **COM - AM** – Amended from complaint’s charge/specification.
 - ii. **COM - STLIO** – Stipulated Lesser of charge/specification in complaint.
 - iii. **COM - LIO** – Lesser included offense of charge/specification in complaint.
2. The count numbers should be referenced as they originally appeared in the charging instrument, even if the counts were re-numbered prior to jury consideration (any such renumbering of counts will be noted as part of the verdict upon trial entry).
3. The statutory offense code - e.g. 2913.02(A)
4. The name of the offense - e.g. Theft
5. The offense level described simply as F# - e.g. F5
6. The method by which the disposition occurred - e.g. guilty plea, bench trial, jury trial
7. The date of the plea or verdict in MM/DD/YYYY format - e.g. 02/01/2020
8. Any specifications attached to the count, by specification number (if multiple specifications per count), name and code section - e.g. 3-year Firearm 2941.145. This column is highlighted in grey to indicate that when no specifications are present in the case, the column will not appear in the final, published version of the entry.

12- [JUVENILE BINDER – MANDATORY OR DISCRETIONARY]

In cases where the offender was under the age of 18 at the time of the offense and is bound over to adult court, Courts should use the following template language in the sentencing entry.

Pursuant to R.C. 2152.121, when a youth aged 16 or 17 at the time of the offense and subject to a mandatory bindover pursuant to R.C. 2151.12(A)(2)(a)(i) [R.C. 2152.02(BB) Category One offense] or (A)(1)(b)(ii) [R.C. 2152.02(CC)] Category Two offense committed with a firearm] is before the court for sentencing, the court must determine if the offense the offender has been convicted of or pleaded guilty to would still subject the defendant to a mandatory bindover. This typically occurs in cases where the offender has been found guilty of a lesser offense or has entered a plea to a charge other than that to which the offender was bound over. If the court finds under those circumstances that the bindover would have been discretionary, it must then impose a sentence and then order that sentence stayed and the case transferred back to juvenile court for additional determinations as to the amenability of the offender.

For additional information on the juvenile bindover process, see the Supreme Court of Ohio’s [Youth in Adult Court Bench Card](#)

() [JUVENILE BINDER]

As the offense in question occurred before the defendant’s eighteenth birthday, jurisdiction in this case was transferred to this court as the result of a [MANDATORY/DISCRETIONARY] juvenile bindover in [NAME] County Juvenile Court on [DATE OF ENTRY CERTIFYING BINDER].

() [DEFENDANT GUILTY OF MANDATORY BINDOVER OFFENSE]

As the defendant was age [SIXTEEN/SEVENTEEN] at the time of the offense, and was subject to a mandatory bindover for a [CATEGORY ONE OFFENSE/CATEGORY TWO OFFENSE COMMITTED WITH A FIREARM], pursuant to R.C. 2152.121 this Court further finds that the offender was found guilty of an offense subject to mandatory bindover in Count [NUMBER] and jurisdiction will remain with the Common Pleas Court for sentencing.

() [DEFENDANT FOUND GUILTY OF DISCRETIONARY BINDOVER OFFENSE]

As the defendant was age [SIXTEEN/SEVENTEEN] at the time of the offense, and was subject to a mandatory bindover for a [CATEGORY ONE OFFENSE/CATEGORY TWO OFFENSE COMMITTED WITH A FIREARM], pursuant to R.C. 2152.121 this Court further finds that the offender was found guilty of an offense subject to discretionary bindover in Count [NUMBER] and therefore orders the sentence imposed in this case stayed and the case transferred back to [NAME] County Juvenile Court for additional hearings as to the amenability of the offender for rehabilitation within the juvenile system.

¹³- [SERIOUS MENTAL ILLNESS FINDING – DEFENDANT INELIGIBLE FOR CAPITAL PUNISHMENT]

With the passage of 2021 Am.Sub.H.B. No. 136 (effective April 12, 2021) Ohio law now prohibits imposition of the death penalty for individuals who suffered from a statutorily defined “serious mental illness” at the time of the commission of the capital offense. R.C. 2929.025 governs how the defendant may raise the issue and request an evaluation and pretrial hearing on the issue. The burden is on the defendant to prove by a preponderance of the evidence that the defendant were suffering from one of the specified illnesses at the time of the offense, and that the illness significantly impaired the defendant’s capacity to exercise rational judgment in either conforming the defendant’s behavior to legal requirements or appreciating the nature, consequences, or wrongfulness of the defendant’s conduct. If proven, the Court must find that the defendant is not eligible for a sentence of death.

When the defendant has been found ineligible for the penalty and the indictment alleges a capital specification under R.C. 2929.04(A)(5) of a prior conviction, that specification must still be presented to the jury, trial judge, or 3 judge panel for consideration of the prior conviction. If proven beyond a reasonable doubt, that specification may impact the sentencing pursuant to R.C. 2929.022(A)(2)(b). To that end, the first sample entry above deals with memorializing the Court’s findings after a hearing on the issue.

A finding of serious mental illness would alleviate the need for use of a capital case specific uniform sentencing entry, and the following language should be added to the standard uniform sentencing entry indicating that the finding had been made and noting any relevant sentencing consequences. Use the following language in such circumstances, supplemented as necessary with case specific facts.

Count(s) [NUMBER] were indicted with capital specifications under R.C. 2929.04, and the defendant alleged and successfully proved the defendant was suffering from a serious mental illness at the time of the offense(s) and that the illness significantly impaired the defendant’s capacity to exercise rational judgment in relation to the person’s conduct with respect to either conforming the defendant’s conduct to the requirements of law or appreciating the nature, consequences, or wrongfulness of the defendant’s conduct. [SUPPLEMENT WITH CASE SPECIFIC FINDINGS]. Therefore, this Court found at a hearing on [DATE] that the defendant was not eligible for the death penalty in this case.

¹⁴- [MERGER OF OFFENSES]

Courts must consider the issue of merger regardless of whether community control or prison terms are being imposed. If the issue of merger is raised, the Court should conduct a hearing and address the issue on the record to determine what, if any, counts may merge. This analysis occurs prior to sentencing, as the defendant does not receive a sentence on merged counts. As such, the section memorializing the Court’s decision on merger is located before the sentences are formally imposed.

The language of the entry eschews the formal language of R.C. 2941.25 “allied offenses of similar import” as the Ad Hoc Committee felt that the term “merger” better reflects the language used by practitioners throughout the state. Courts involved in a merger analysis should supplement the language below with specific findings.

NOTE: Both optional sections – [MERGER APPLIES] and [MERGER DOES NOT APPLY] – could be used.

() **[MERGER APPLIES]**

() The Court finds that Counts **[NUMBERS]** merge under R.C. 2941.25 for purposes of final conviction and sentence.

The State elected to proceed on Count **[NUMBER]** and therefore a final conviction and sentence is hereby entered on Count[s] **[NUMBER]** only.

(REPEAT AS NECESSARY)

() The Court finds that merger under R.C. 2941.25 does not apply to any other counts.

() **[MERGER DOES NOT APPLY]**

() The Court finds that Counts **[NUMBERS]** do not merge under R.C. 2941.25 for purposes of final conviction and sentence. **(REPEAT AS NECESSARY)**

() The Court finds that merger under R.C. 2941.25 does not apply to any counts.

15- [MERGER OF SPECIFICATIONS]

A court generally may not impose additional prison terms for multiple specifications of the same type for offenses committed as part of the same act, transaction, scheme, or plan – though specific language varies by type of specification, as listed below.

“Acts or transaction” and “scheme or plan” are understood as having the same meaning as under Crim.R.8(A) considerations of joinder. “Transaction” has been interpreted in the specification context to mean a “series of continuous acts bound together by time, space, and purpose, and directed toward a single objective” ” [State v. Wills, 69 Ohio St.3d 690, 1994-Ohio-417, 635 N.E.2d 370 \(1994\)](#). More recently, the Supreme Court of Ohio in [State v. Dean, 146 Ohio St. 3d 106, 2015-Ohio-4347, 54 N.E.2d 80 \(2015\)](#) found that specifications for offenses “[committed on] different days and at different locations and involved separate victims” did not require merger under this section. For a recent summary of appellate holdings on this issue, see [State v. Williams, 2020-Ohio-1368 \(1st Dist.\)](#) at paragraphs 16-17.

Prohibitions against imposition of multiple specifications include:

- Multiple firearm specifications under R.C. 2941.141, 2941.144, or 2941.145 – [R.C. 2929.14(B)(1)(b)]
 - Not more than one prison term for felonies committed as part of the same act or transaction, except as provided in R.C. 2929.14(B)(1)(g) – When the defendant is convicted of two or more specified felonies, and those convictions include firearm specifications, the court **must** impose prison terms for each of the two most serious specifications for which the offender is convicted, and may, in its discretion, impose prison terms for any and all remaining specifications.
 - Note that R.C. 2941.141(B) and (E), R.C. 2941.144(B) and (E), and R.C. 2941.145(B) and (E), prohibit these specifications stacking with each other on a given felony count.
 - Note offense exclusions in R.C. 2929.14(B)(1)(e)
- Multiple drive-by shooting specifications under R.C. 2941.146 [R.C. 2929.14(B)(1)(c)(iii)]
 - Can only impose one such specification for felonies committed as part of the same act or transaction.
 - Mandatory that court impose a prison term for a 2929.14(B)(1)(a) specification as well, if conditions satisfied.
 - Note offense exclusions in R.C. 2929.14(B)(1)(e)
- Multiple body armor specifications under R.C. 2941.1411 [R.C. 2929.14(B)(1)(d)]
 - Not more than one prison term for felonies committed as part of the same act or transaction.
 - Not precluded from imposing this additional prison term if a prison time for a R.C. 2929.14(B)(1)(a) or R.C. 2929.14(B)(1)(c) spec is also imposed.
- Multiple specifications for discharge of a firearm at a peace or corrections officer under R.C. 2941.1412 [R.C. 2929.14(B)(1)(f)(iii)] – the court must impose two of the specifications, and has discretion to impose any other such specifications]
 - If a prison term is imposed for a R.C. 2929.1412 specification, the court **may not** impose a prison term for a firearm specification (2941.141, 2941.144, 2941.145) or a drive-by shooting specification (2941.146)
- Multiple repeat violent offender specifications under R.C. 2941.149 [R.C. 2929.14(B)(2)(c)] – offenses committed at the

same time or as part of the same act or event are considered one offense]

- Multiple peace officer/BCI investigator victim specifications under R.C. 2941.1414 [R.C. 2929.14(B)(5)]
 - Cannot impose more than one prison term for felonies committed as part of the same act.
- Multiple specifications for 3 or more OVI offense convictions under R.C. 2941.1415 [R.C. 2929.14(B)(6)]
 - Cannot impose more than one prison term for felonies committed as part of the same act.
- Multiple human trafficking specifications under R.C. 2941.1422 [R.C. 2929.14(B)(7)(b)]
 - Cannot impose more than one prison term for felonies committed as part of the same act, scheme, or plan.
- Multiple 6-year specifications for use of an accelerant resulting in permanent serious disfigurement or permanent substantial incapacity under R.C. 2941.1425 [R.C. 2929.14(B)(9)(b)].
 - Cannot impose more than one prison term for felonies committed as part of the same act.
- Multiple 6-year specifications for permanent disabling harm to a victim under 10 under R.C. 2941.1426 [R.C. 2929.14(B)(10)]
 - Cannot impose another other additional prison terms on the offender relative to the same offense.
- Multiple MDO specifications for fentanyl-related compounds under R.C. 2941.1410 [R.C. 2929.14(B)(11)]
 - Cannot impose more than one prison term for felonies committed as part of the same act.
- Multiple Violent Career Criminal specifications under R.C. 2941.1424 [R.C. 2929.14(K)(1)]
 - Cannot impose more than one prison term under R.C. 2929.14(K)(1) and 2929.14(B)(2)(a)(RVO spec) for felonies committed as part of the same act or transaction. “Merger” of these specifications with an RVO spec are handled in the RVO Specification section.

Cases with multiple firearm specifications may require consideration of both merger of specifications under R.C. 2929.14(B)(1)(b) and whether the sentencing court chooses to run any of the specifications concurrently under R.C. 2929.14(B)(1)(g).

Use the following language to supplement the record regarding the sentences imposed for specifications. *State v. Bollar*, 2022-Ohio-4370, the Supreme Court held that cumulative prison terms for firearm specifications were allowed as part of the same act.

() **[FIREARM SPECIFICATION MERGER / CONSECUTIVE ANALYSIS]**

() **[FIREARM SPECIFICATIONS MERGED] (REPEAT AS NECESSARY)**

Pursuant to R.C. 2929.14(B)(1)(b) the Court hereby finds that that Specification(s) **[NUMBER(S)]** to Count(s) **[NUMBER(S)]** and Count(s) **[NUMBER(S)]** were committed as part of the same act or transaction and as such will only impose one prison term for those specifications.

() **[FIREARM SPECIFICATIONS NOT MERGED] (REPEAT AS NECESSARY) (CAN USE BOTH)**

Pursuant to R.C. 2929.14(B)(1)(b) the Court hereby finds that Specification(s) **[NUMBER(S)]** to Count(s) **[NUMBER(S)]** and Count(s) **[NUMBER(S)]** were not committed as part of the same act or transaction and as such will impose prison terms for each of those specifications.

() **[R.C. 2929.14(B)(1)(g) – FIREARM SPECIFICATIONS NOT MERGED – OPTIONAL, ADDITIONAL TERMS] (REPEAT AS NECESSARY) (CAN USE BOTH)**

Pursuant to R.C. 2929.14(B)(1)(g) the defendant being before the court for two or more felonies, one of which is Aggravated Murder, Murder, Attempted Aggravated Murder, Attempted Murder, Aggravated Robbery, Felonious Assault, or Rape, with a firearm specification attached to two or more of said felonies, the Court shall impose a mandatory, consecutive prison term for two most serious Specifications **[NUMBERS]** and: () **[2929.14(B)(1)(g)] (REPEAT AS NECESSARY) (CAN USE BOTH)** Pursuant to that statute, the Court will impose a mandatory, consecutive prison term for Specification(s) **[NUMBER(S)]**.

() **[2929.14(B)(1)(g) (REPEAT AS NECESSARY) (CAN USE BOTH)]**

Pursuant to that statute, the Court **will not** impose a prison term for Specification(s) **[NUMBER(S)]**.

[MULTIPLE FIREARM SPECIFICATIONS]

Language for use when there are multiple firearm specifications per count. R.C. 2941.141(B) and (E), R.C. 2941.144(B) and (E), and R.C. 2941.145(B) and (E), prohibit firearm specifications stacking with each other on a given felony count. Note that the code is silent as to which specification the courts should impose a prison term for.

() **[MULTIPLE FIREARM SPECIFICATIONS]**

Pursuant to statute, the Court is precluded from imposing more than one prison term for a firearm specification relative to the same felony, and as such will only impose a prison term for one such firearm specification per applicable count.

() **[DRIVE-BY SPECIFICATION MERGER]**

() **[DRIVE-BY SPECIFICATIONS MERGED] (REPEAT AS NECESSARY)**

Pursuant to R.C. 2929.14(B)(1)(c)(iii) the Court hereby finds that Specification(s) **[NUMBER(S)]** to Count(s) **[NUMBER(S)]** and Count(s) **[NUMBER(S)]** were committed as part of the same act or transaction and as such will only impose one mandatory, consecutive prison term for those specifications.

() **[DRIVE-BY SPECIFICATIONS NOT MERGED] (REPEAT AS NECESSARY)(CAN USE BOTH)**

Pursuant to R.C. 2929.14(B)(1)(d) the Court hereby finds that Specification(s) **[NUMBER(S)]** to Count(s) **[NUMBER(S)]** and Count(s) **[NUMBER(S)]** were not committed as part of the same act or transaction and as such will impose mandatory, consecutive prison terms for each of those specifications.

() **[BODY ARMOR SPECIFICATION MERGER]**

() **[BODY ARMOR SPECIFICATION MERGED] (REPEAT AS NECESSARY)**

Pursuant to R.C. 2929.14(B)(1)(d) the Court hereby finds that Specification(s) **[NUMBER(S)]** to Count(s) **[NUMBER(S)]** and Count(s) **[NUMBER(S)]** were committed as part of the same act or transaction and as such will only impose one mandatory, consecutive prison term for those specifications.

() **[BODY ARMOR SPECIFICATIONS NOT MERGED](REPEAT AS NECESSARY)(CAN USE BOTH)**

Pursuant to R.C. 2929.14(B)(1)(d) the Court hereby finds that Specification(s) **[NUMBER(S)]** to Count(s) **[NUMBER(S)]** and Count(s) **[NUMBER(S)]** were not committed as part of the same act or transaction and as such will impose mandatory, consecutive prison terms for each of those specifications.

() **[DISCHARGE OF FIREARM AT A PEACE OFFICER SPECIFICATION MERGER]**

() **[DISCHARGE OF A FIREARM AT A PEACE OFFICER SPECIFICATIONS – DISCRETIONARY MERGER] (REPEAT AS NECESSARY)(MUST IMPOSE TWO SPECIFICATIONS, DISCRETION AS TO REMAINING)**

Pursuant to R.C. 2929.14(B)(1)(f)(iii) the Court must hereby impose a mandatory, consecutive prison term on Specification(s) **[NUMBER(S)]** to Count(s) **[NUMBER(S)]**.

() **[ATTENDANT FIREARM SPECIFICATIONS](REPEAT AS NECESSARY)(CAN USE BOTH)**

Pursuant to R.C. 2929.14(B)(1)(f)(iii) the Court **may not** impose a prison term for Specifications **[NUMBER(S)]** to Count(s) **[NUMBER(S)]**.

() **[PEACE OFFICER / BCI INVESTIGATOR SPECIFICATION MERGER]**

() **[PEACE OFFICER / BCI INVESTIGATOR VICTIM SPECIFICATIONS MERGED](REPEAT AS NECESSARY) (CAN USE BOTH)**

Pursuant to R.C. 2929.14(B)(5) the Court hereby finds that Specification(s) **[NUMBER(S)]** to Count(s) **[NUMBER(S)]** and Count(s) **[NUMBER(S)]** were committed as part of the same act and as such will only impose one mandatory, consecutive prison terms for those specifications.

() [PEACE OFFICER / BCI INVESTIGATOR VICTIM SPECIFICATIONS NOT MERGED] (REPEAT AS NECESSARY)(CAN USE BOTH)

Pursuant to R.C. 2929.14(B)(5) the Court hereby finds that Specification(s) [NUMBER(S)] to Count(s) [NUMBER(S)] and Count(s) [NUMBER(S)] were not committed as part of the same act and as such will impose mandatory, consecutive prison terms for each of those specifications.

() [OVI SPECIFICATION MERGER]

() [OVI SPECIFICATIONS MERGED](REPEAT AS NECESSARY)

Pursuant to R.C. 2929.14(B)(6) the Court hereby finds that that Specification(s) [NUMBER(S)] to Count(s) [NUMBER(S)] and Count(s) [NUMBER(S)] were committed as part of the same act and as such will only impose one mandatory, consecutive prison term for those specifications.

() [OVI SPECIFICATIONS NOT MERGED](REPEAT AS NECESSARY)(CAN USE BOTH)

Pursuant to R.C. 2929.14(B)(6) the Court hereby finds that Specification(s) [NUMBER(S)] to Count(s) [NUMBER(S)] and Count(s) [NUMBER(S)] were not committed as part of the same act and as such will impose mandatory, consecutive prison terms for each of those specifications.

() [HUMAN TRAFFICKING SPECIFICATION MERGER]

() [HUMAN TRAFFICKING SPECIFICATIONS MERGED](REPEAT AS NECESSARY)

Pursuant to R.C. 2929.14(B)(7)(b) the Court hereby finds that that Specification(s) [NUMBER(S)] to Count(s) [NUMBER(S)] and Count(s) [NUMBER(S)] were committed as part of the same act and as such will only impose one mandatory, consecutive prison term for those specifications.

() [HUMAN TRAFFICKING SPECIFICATIONS NOT MERGED](REPEAT AS NECESSARY)(CAN USE BOTH)

Pursuant to R.C. 2929.14(B)(7)(b) the Court hereby finds that Specification(s) [NUMBER(S)] to Count(s) [NUMBER(S)] and Count(s) [NUMBER(S)] were not committed as part of the same act and as such will impose mandatory, consecutive prison terms for each of those specifications.

() [ACCELERANT SPECIFICATION MERGER]

() [ACCELERANT SPECIFICATIONS MERGED](REPEAT AS NECESSARY)

Pursuant to R.C. 2929.14(B)(9)(b) the Court hereby finds that that Specification(s) [NUMBER(S)] to Count(s) [NUMBER(S)] and Count(s) [NUMBER(S)] were committed as part of the same act and as such will only impose one mandatory, consecutive prison term for those specifications.

() [ACCELERANT SPECIFICATIONS NOT MERGED] (REPEAT AS NECESSARY) (CAN USE BOTH)

Pursuant to R.C. 2929.14(B)(9)(b) the Court hereby finds that Specification(s) [NUMBER(S)] to Count(s) [NUMBER(S)] and Count(s) [NUMBER(S)] were not committed as part of the same act and as such will impose mandatory, consecutive prison terms for each of those specifications.

() [PERMANENT DISABLING HARM SPECIFICATIONS MERGER]

() [PERMANENT DISABLING HARM SPECIFICATIONS] (REPEAT AS NECESSARY)

Pursuant to R.C. 2929.14(B)(10) the defendant having been found guilty of a R.C. 2910.1426 permanent disabling harm specification in Specification(s) [NUMBER(S)] to Count(s) [NUMBER(S)] the Court will impose the required additional 6-year mandatory, consecutive prison term and no other additional prison terms for that offense.

() [MDO – FENTANYL RELATED COMPOUND SPECIFICATION MERGER]

() [MDO – FENTANYL RELATED COMPOUND SPECIFICATIONS MERGED] (REPEAT AS NECESSARY)

Pursuant to R.C. 2929.14(B)(11) the Court hereby finds that that Specification(s) [NUMBER(S)] to Count(s) [NUMBER(S)] and Count(s) [NUMBER(S)] were committed as part of the same act and as such will only impose

one mandatory, consecutive prison term for those specifications.

() **[MDO – FENTANYL RELATED COMPOUND NOT MERGED] (REPEAT AS NECESSARY) (CAN USE BOTH)**
Pursuant to R.C. 2929.14(B)(11) the Court hereby finds that Specification(s) **[NUMBER(S)]** to Count(s) **[NUMBER(S)]** and Count(s) **[NUMBER(S)]** were not committed as part of the same act and as such will impose mandatory, consecutive prison terms for each of those specifications.

() **[VIOLENT CAREER CRIMINAL SPECIFICATION MERGER]**

() **[VIOLENT CAREER CRIMINAL SPECIFICATIONS MERGED] (REPEAT AS NECESSARY)**
Pursuant to R.C. 2929.14(K)(1) the Court hereby finds that that Specification(s) **[NUMBER(S)]** to Count(s) **[NUMBER(S)]** and Count(s) **[NUMBER(S)]** were committed as part of the same act and as such will only impose one mandatory, consecutive prison term for those specifications.

() **[VIOLENT CAREER CRIMINAL SPECIFICATIONS NOT MERGED](REPEAT AS NECESSARY)(CAN USE BOTH)**
Pursuant to R.C. 2929.14(K)(1) the Court hereby finds that Specification(s) **[NUMBER(S)]** to Count(s) **[NUMBER(S)]** and Count(s) **[NUMBER(S)]** were not committed as part of the same act and as such will impose mandatory, consecutive prison terms for each of those specifications.

16- [R.C. 2929.11 AND 2929.12 FACTORS]

In keeping with the spirit of the USE as a template document, Courts wishing to detail considerations of the R.C. 2929.11 purposes of sentencing, or the R.C. 2929.12 seriousness and recidivism factors may supplement the entry with the court's desired language here. Case specific considerations are always able to be added to the USE template language. The statutory provisions are listed here for reference.

() **[PURPOSES & PRINCIPLES OF SENTENCING R.C. 2929.11]**

In fashioning the sentence(s) in this case, the Court has considered the need to protect the public from future crime by the defendant and others, to punish the defendant, and to promote the defendant's effective rehabilitation while using the minimum sanctions to accomplish those purposes without imposing an unnecessary burden on state or local government resources. This includes the need for incapacitation, deterrence, rehabilitation of the defendant, and restitution to the victim and/or the public. This sentence is commensurate with, and not demeaning to, the seriousness of the defendant's conduct and its impact on the victim, consistent with sentences for similar crimes by similar offenders, and is in no way based the defendant's race, ethnicity, gender, or religion.

() **[SERIOUSNESS AND RECIDIVISM FACTORS 2929.12 (GENERAL)]**

The Court has considered R.C. 2929.12 and has weighed the factors which indicate the defendant's conduct is more or less serious than that normally constituting the offense(s) charged as well as the factors which would indicate that the defendant is more or less likely to commit future crimes.

() **[SERIOUSNESS AND RECIDIVISM FACTORS 2929.12 (SPECIFIC FACTORS)]**

The court has weighed the following R.C. 2929.12 seriousness and recidivism factors in imposing the sentence in this case:

() **[OFFENDER'S CONDUCT MORE SERIOUS [R.C. 2929.12(B)]**

The Court believes this conduct is more serious than that normally constituting the offense because:

- () That the injury(ies) caused in this case were exacerbated by the physical or mental condition or age of the victim.
- () That the victim(s) suffered serious physical, psychological, or economic harm.
- () That the defendant held public office or position of trust related to the offense.
- () That the defendant's occupation, elected office, or profession obliged the offender to prevent the offense or to bring those committing it to justice.

- () That the defendant's professional reputation or occupation, elected office, or profession facilitated the offense or is likely to influence others' conduct.
- () That the defendant's relationship with the victim facilitated the offense.
- () That the defendant acted for hire or as part of organized criminal activity.
- () That the defendant was motivated by prejudice based on race, ethnicity, gender, sexual orientation, or religion.
- () In this **[DOMESTIC VIOLENCE/ASSAULT]** case, the defendant was a parent or custodian, the victim was a family or household member, and the offense was committed in the vicinity of one or more children other than the victim.
- () **[OTHER RELEVANT SERIOUSNESS FACTOR DETAILED BY COURT]**

() **OFFENDER'S CONDUCT LESS SERIOUS [2929.12(C)]**

The Court believes this conduct is less serious than that normally constituting the offense because:

- () Of the extent to which the victim induced and/or facilitated the offense.
- () The defendant acted under strong provocation.
- () The defendant did not cause or expect to cause physical harm to person or property.
- () Substantial grounds exist to mitigate the defendant's conduct, even if those grounds do not constitute a defense.
- () **[OTHER RELEVANT SERIOUSNESS FACTOR DETAILED BY COURT]**

() **OFFENDER'S RECIDIVISM MORE LIKELY [R.C. 2929.12(D)]**

The Court believes the defendant is more likely to commit future crimes as:

- () The offense(s) was/were committed while the defendant was on bail, awaiting sentence, on felony community control or post-release control, or after post-release control had been unfavorably terminated.
- () The defendant has a history of criminal convictions or juvenile delinquency adjudications.
- () The defendant has not responded favorably to sanctions previously imposed in adult or juvenile court.
- () The defendant shows pattern of alcohol/drug use related to offense and doesn't acknowledge it or refuses treatment.
- () The defendant shows no genuine remorse.
- () **[OTHER RELEVANT RECIDIVISM FACTOR DETAILED BY COURT]**

() **OFFENDER'S RECIDIVISM LESS LIKELY [2929.12(E)]**

The Court believes the defendant is less likely to commit future crimes as:

- () The defendant has no prior juvenile delinquency adjudication and/or no prior adult conviction.
- () The defendant has led a law-abiding life for a significant number of years.
- () The offense was committed under circumstances unlikely to recur.
- () The defendant shows genuine remorse.
- () **[OTHER RELEVANT RECIDIVISM FACTOR DETAILED BY COURT]**

() **OFFENDER'S VETERAN STATUS [R.C. 2929.12(F)](SELECT IF DEFENDANT IS A VETERAN)**

The Court has considered the defendant's military service record pursuant to R.C. 2929.12(F).

() **MILITARY SERVICE CONSIDERATIONS**

[OPEN TEXT FIELD FOR JUDGE TO SHOW HOW THE DEFENDANT'S MILITARY SERVICE AFFECTED SENTENCING CONSIDERATIONS]

() **CONTRIBUTING FACTOR TO OFFENSE**

The Court notes that the offender has an emotional, mental, or physical condition traceable to the offender's service that was a contributing factor to the offender's commission of the offense or offenses.
[OPEN TEXT FIELD FOR JUDGE TO DETAIL CONSIDERATIONS]

OTHER RELEVANT FACTORS

[FREE TEXT SPACE FOR COURTS TO LIST ANY OTHER FACTORS CONSIDERED IN FASHIONING SENTENCE]

RESULTS OF RISK ASSESSMENT TOOL (OPTIONAL)

Courts that consider the result of a validated risk/needs assessment tool in fashioning a sentence may choose to indicate in the entry such consideration.

RESULTS OF RISK ASSESSMENT TOOL

The Court has considered the results of **[NAME]**, a validated risk assessment tool, in fashioning the sentence in this case. **[OPEN TEXT FIELD FOR COURT TO DETAIL ASSESSMENT INFORMATION]**

17- [JUVENILE BINDOVER SENTENCING CONSIDERATIONS]

In cases where the offender was under the age of 18 at the time of the offense and is bound over to adult court, special sentencing considerations have been made part of R.C. 2929.19(B) requirements at the sentencing hearing when imposing a prison term, consistent with the Supreme Court's decision in [State v. Patrick, Slip Opinion No. 2020-Ohio-6803](#), decided December 22, 2020. The Supreme Court held that failure to expressly consider the defendant's age as a sentencing factor, constituted cruel and unusual punishment. *State v. Morris*, Slip Opinion No. 2022-Ohio-4609, decided December 23, 2022. Courts are required to make specified considerations in fashioning a sentence for juvenile offenders. Include language regarding the following mitigating factors when imposing sentence on a juvenile bindover case to reflect the courts considerations of the offenders age-related mitigation considerations, and the impact on the sentencing decisions in the case of those considerations.

AGE-RELATED MITIGATION [R.C. 2929.19(B)(1)(b)]

The Court has considered the following as it relates to the defendant and the sentence imposed:

The chronological age of the offender at the time of the offense and that age's hallmark features, including intellectual capacity, immaturity, impetuosity, and a failure to appreciate risks and consequences;

The family and home environment of the offender at the time of the offense, the offender's inability to control the offender's surroundings, a history of trauma regarding the offender, and the offender's school and special education history;

The circumstances of the offense, including the extent of the offender's participation in the conduct and the way familial and peer pressures may have impacted the offender's conduct;

Whether the offender might have been charged and convicted of a lesser offense if not for the incompetencies associated with youth, such as the offender's inability to deal with police officers and prosecutors during the offender's interrogation or possible plea agreement or the offender's inability to assist the offender's own attorney; and

Examples of the offender's rehabilitation, including any subsequent growth or increase in maturity during confinement.

18- [COMMUNITY CONTROL FOR NON-VIOLENT F4'S, F5'S, AND DIV.B DRUG OFFENSES – R.C. 2929.13(B)(1)]

R.C. 2929.13(B) mandates that non-violent felonies of the fourth degree as well as "Division B" drug offenses be sentenced to community control under the circumstances delineated in (B)(1)(a). Where (B)(1)(a) does not apply, (B)(1)(b) provides the sentencing court discretion to impose a prison term where certain findings are made. Those circumstances and findings are laid out with check-boxes for the sentencing court to select from below:

[COMMUNITY CONTROL MANDATORY]

The Court finds that a community control sanction is required under R.C. 2929.13(B)(1)(a) because the defendant does not have a prior conviction for a felony offense, the most serious charge before the court is a felony of the fourth or fifth degree, and the defendant has not been convicted for a misdemeanor offense of violence in the two years prior to the

offense being sentenced.

[COMMUNITY CONTROL NOT MANDATORY – R.C. 2929.13(B)(1)(a) FACTORS]

The Court finds that a community control sanction is not required under R.C. 2929.13(B)(1)(a) because:

The defendant has a prior conviction for a felony offense, or;

[PRIOR CONVICTION INFORMATION]

The Court finds the defendant was previously convicted of **[DETAIL PRIOR CONVICITION(S)]**.

The most serious charge before the court is not a felony of the fourth or fifth degree, or;

The defendant has been convicted for a misdemeanor offense of violence in the two years prior to the offense being sentenced.

[PRIOR CONVICTION INFORMATION]

The Court finds the defendant was previously convicted of **[DETAIL PRIOR CONVICITION(S)]**.

NOTE: Some appellate jurisdictions have held that convictions for multiple F4/F5 offenses in the same indictment render R.C. 2929.13(B)(1)(a) inapplicable. If this is the case in your jurisdiction, use language below:

The defendant is convicted of or pleading guilty to more than one felony of the fourth or fifth degree, rendering R.C. 2929.13(B)(1)(a) inapplicable per **[LOCAL APPELLATE DECISION]**

[DISCRETIONARY COMMUNITY CONTROL – R.C. 2929.13(B)(1)(b) FACTORS]

The Court further finds the record supports application of a prison sentence under R.C. 2929.13(B)(1)(b) because:

The defendant committed the offense while having a firearm on or about the defendant's person or under the defendant's control.

The defendant caused physical harm to another person while committing the offense.

The defendant violated a term of the conditions of bond as set by the court.

The offense is a sex offense that is a F4 or F5 violation of any provision of R.C. 2907.

In committing the offense, the defendant attempted to cause or made an actual threat of physical harm to a person with a deadly weapon.

In committing the offense, the defendant attempted to cause or made an actual threat of physical harm to a person, and the defendant previously was convicted of an offense that caused physical harm to a person.

The defendant held a public office or position of trust, and the offense related to that office or position; the defendant's position obliged the defendant to prevent the offense or to bring those committing it to justice; or the defendant's professional reputation or position facilitated the offense or was likely to influence the future conduct of others.

The defendant committed the offense for hire or as part of an organized criminal activity.

The defendant at the time of the offense was serving, or the defendant previously had served, a prison term.

The defendant committed the offense while under a felony community control sanction, while on probation, or while released from custody on a bond or personal recognizance.

19- [TCAP]

In counties participating in the Targeted Community Alternatives to Prison (TCAP) program, use the following language:

[TCAP RESTRICTED]

The Court further finds that pursuant to R.C. 2929.34(B)(3)(c-d) TCAP does apply and hereby orders that any term of incarceration imposed on the defendant will be served at a local detention facility.

[DEFENDANT BEING PLACED ON COMMUNITY CONTROL]

If the defendant is placed on community control with a reserved prison term, and the defendant is later revoked or has community control terminated, TCAP may no longer apply and the defendant may be required to serve incarceration in prison depending on the circumstances at the time of that sentencing.

[NOT TCAP RESTRICTED]

The Court further finds that the defendant is not TCAP restricted:

Pursuant to R.C. 2929.34(B)(3)(d)(i) the felony of the fourth or fifth degree in this case is: **[COURT SHOULD PICK APPLICABLE CONDITION(S)]**

- An offense of violence as defined in R.C. 2901.01,
- A sex offense under R.C. Chapter 2907,
- A violation of R.C. 2925.03,
- An offense for which a mandatory prison term is required.

Pursuant to R.C. 2929.34(B)(3)(d)(ii) the defendant previously has been convicted of or plead guilty to a felony offense of violence, as defined in R.C. 2901.01.

[PRIOR CONVICTION INFORMATION]

The Court finds the defendant was previously convicted of **[DETAIL PRIOR CONVICTION(S)]**.

Pursuant to R.C. 2929.34(B)(3)(d)(iii) the defendant previously has been convicted of or plead guilty to any felony sex offense under R.C. Chapter 2907.

[PRIOR CONVICTION INFORMATION]

The Court finds the defendant was previously convicted of **[DETAIL PRIOR CONVICTION(S)]**.

Pursuant to 2929.34(B)(3)(d)(iv) the defendant's sentence in this case is required to be served concurrently to another sentence that is required to be served in an institution under the control of the department of rehabilitation and correction.

[CONCURRENT SENTENCE INFORMATION]

This sentence will run concurrently to a prison term in **[DETAIL APPLICABLE CASE(S)]**.

20- [F3 AND DIVISION C DRUG OFFENSES]

Pursuant to 2929.13(C) there is generally no presumption for prison or community control for felonies of the third degree and "Division C" drug offenses, other than the purposes and principles of sentencing in R.C. 2929.11 and 2929.12. Use the following language:

Pursuant to 2929.13(C) the Court finds there is no presumption relative to Count(s) **[NUMBER]** and has considered the purposes and principles of sentencing in R.C. 2929.11 and the seriousness and recidivism factors in R.C. 2929.12 in fashioning the sentence(s) on these count(s).

21- [PRISON PRESUMPTION]

Non-mandatory felonies of the first and second degree, along with several F3 offenses, carry a presumption that imposition of a prison term is necessary to comply with the R.C. 2929.11 purposes and principles of felony sentencing. A non-exhaustive list of such offenses may be found in R.C. 2929.13(D):

1. Non-mandatory F1 and F2 offenses;
2. Felony drug offenses where specified by statute in R.C. Chapter 2925, 3719 (controlled substance regulations), and 4729 (pharmacist regulations), including those F3 drug offenses enhanced by proximity of the offense to a school or juvenile (see the Sentencing Commission's [Drug Offense Quick Reference Guide](#)); as well as
3. Third degree felony theft of firearm R.C. 2913.02(B)(4), certain Gross Sexual Imposition offenses R.C. 2907.05(A)(4) or (B), or Importuning R.C. 2907.07(F).

Offenses which carry a presumption in favor of a prison term but are not included in R.C. 2929.12(D)(1) include:

1. Theft of a firearm [R.C. 2913.02(B)(4)]
2. F3 Importuning [R.C. 2907.07(F)(2)]
3. F5 Importuning [R.C. 2907.07(F)(3)]

Future intelligence of the Ohio Sentencing Data Platform will prompt judges when a count entered includes a prison presumption.

Pursuant to R.C. 2929.13(D)(2), a presumption in favor of a prison term may be overcome by the sentencing court if certain two specific findings are made:

1. “A community control sanction or a combination of community control sanctions would adequately punish the offender and protect the public from future crime, because the applicable factors under section 2929.12 of the Revised Code indicating a lesser likelihood of recidivism outweigh the applicable factors under that section indicating a greater likelihood of recidivism.” [R.C. 2929.13(D)(2)(a)]
2. “A community control sanction or a combination of community control sanctions would not demean the seriousness of the offense, because one or more factors under section 2929.12 of the Revised Code that indicate that the offender’s conduct was less serious than conduct normally constituting the offense are applicable, and they outweigh the applicable factors under that section that indicate that the offender’s conduct was more serious than conduct normally constituting the offense.” [R.C. 2929.13(D)(2)(b)]

Note that (D)(2) does not apply to the presumption in favor of prison for F3 GSI in violation of R.C. 2907.05(A)(4) or (B).

If the presumption in favor of a prison term laid out in R.C. 2929.13 or R.C. Chapter 2925 is overcome by the sentencing court, the state has a right to appeal the decision pursuant to R.C. 2953.08(B)(1).

Use the following language for presumptive prison offenses. The first checkbox indicates the counts for which there is a presumption, after which the judge may select language indicating the presumption is or is not overcome:

() **[PRISON PRESUMPTION]**

There is a presumption in favor of a prison sentence on Count[s] **[NUMBER]**.

() **[PRISON PRESUMPTION OVERCOME]** *(COURT MAY SELECT BOTH OPTIONS, ONLY FOR DIFFERENT COUNTS)*

The Court finds on Count[s] **[NUMBER]** this presumption is overcome and that a community control sanction or combination of community control sanctions will adequately punish defendant and protect the public from future crime because the applicable factors under R.C. 2929.12 indicating a lesser likelihood of recidivism outweigh the applicable factors indicating a greater likelihood of recidivism, and does not demean the seriousness of the offense because one or more factors under R.C. 2929.12 indicating that the defendant’s conduct was less serious than conduct normally constituting the offense and outweigh the factors indicating the conduct was more serious than conduct normally constituting the offense. **[COURTS MAY DETAIL REASONS FOR THESE FINDINGS]**

() **[PRISON PRESUMPTION NOT OVERCOME]** *(COURT MAY SELECT BOTH OPTIONS, ONLY FOR DIFFERENT COUNTS)*

The Court finds on Count[s] **[NUMBER]** the presumption is not overcome and that a community control sanction or combination of community control sanctions will not adequately punish defendant and protect the public from future crime because the applicable factors under R.C. 2929.12 indicating a lesser likelihood of recidivism do not outweigh the applicable factors indicating a greater likelihood of recidivism, and would demean the seriousness of the offense because one or more factors under R.C. 2929.12 indicating that the defendant’s conduct was more serious than conduct normally constituting the offense and outweigh the factors indicating the conduct was less serious than conduct normally constituting the offense. **[COURTS MAY DETAIL REASONS FOR THESE FINDINGS]**

22- [MANDATORY SENTENCES]

A prison sentence may be made mandatory in one of two ways – by operation of law, where the code itself dictates that a prison term must be imposed, and/or due to the defendant’s criminal history. More information regarding mandatory sentences may be found at page 8 of the Sentencing Commission’s [Felony Sentencing Reference Guide](#).

Note that penalty enhancements other than a defendant’s prior conviction must be specified in the indictment, proven

beyond a reasonable doubt and/or plead to.

Mandatory prison terms imposed under R.C. 2929.13(F) – either by operation of law or due to the defendant’s prior convictions – are generally not eligible for many types of release or reduction of the prison term. Always refer to RC 2929.13(F), the specific release or reduction statute, or the relevant statutory sentence provision to check whether a particular type of release or reduction is possible.

[MANDATORY BY OPERATION OF LAW]

A sentence made mandatory by operation of law may either specify a penalty or range from which the judge must select a prison term, or the law may specify the term that must be imposed. For sentences that are mandatory by operation of law, courts may wish to include the following language in addition to the notation in the prison imposed chart:

The Court finds that a prison term is mandatory by operation of law pursuant to **[CODE SECTION]** for Count(s) **[NUMBER(S)]** and/or Specification **[NUMBER(S)]** to Count **[NUMBER(S)]** (**ALLOW TO REPEAT SPECIFICATIONS AS NECESSARY**)

[MANDATORY SENTENCES DUE TO PRIOR CONVICTIONS]

Some sentences are made mandatory due to the defendant’s prior convictions. See R.C. 2929.13(F)(6) (Aggravated Murder, Murder, F1, and F2 convictions) and R.C. 2929.13(F)(7) (F3 offenses that are either a violation of R.C. 2903.04 Involuntary Manslaughter or an attempted F2 offense of violence and involved an attempt to cause serious physical harm to a person or that resulted in serious physical harm to a person) and use the following language in these cases:

The Court finds that, pursuant to **[R.C. 2929.13(F)(6)] / [R.C. 2929.13(F)(7)]** the sentences on Count(s) **[NUMBERS]** is made mandatory due to the defendant’s prior conviction(s) for **[DETAIL PRIOR CONVICTION(S)]**.

23- **[JOINT RECOMMENDATION / AGREED UPON SENTENCE]**

If the court wishes to detail any joint recommendation or agreed upon sentence, use the following language.

[JOINT RECOMMENDATION]

The Court noted the joint recommendation of the parties that the defendant be sentenced to **[DETAIL JOINT RECOMMENDATION FROM DISPOSITION FORM-PLEA ENTRY]**.

[AGREED UPON SENTENCE]

The Court agreed upon the sentence that was jointly recommended by the parties and authorized by law that the defendant be sentenced to **[DETAIL AGREED UPON SENTENCE FROM DISPOSITION FORM-PLEA ENTRY]**.

24- **[MULTIPLE COUNTS – CONSECUTIVE / CONCURRENT SENTENCING]**

[MANDATORY CONSECUTIVE SENTENCES – COUNTS]

Several felony offenses (e.g. R.C. 2921.331 Failure to Comply), while not mandatory prison terms, are required be run consecutive to other counts by operation of law when a prison term is imposed. These are listed under “Sentencing Considerations & Advisements – Section E. Consecutive Prison Terms” in the Sentencing Commission’s [Felony Sentencing Quick Reference Guide](#). Use the following language with regard to these offenses:

[MANDATORY CONSECUTIVE SENTENCES – COUNTS](REPEAT AS NECESSARY)

The Court finds that pursuant to **[R.C. 2929.14(C)(2)] / [R.C. 2929.14(C)(3)]** that the prison term imposed on Count(s) **[NUMBER(s)]** shall be served consecutively by operation of law.

[JOINTLY RECOMMENDED / AGREED UPON CONSECUTIVE SENTENCES - COUNTS]

Pursuant to [State v. Sergeant, 148 Ohio St.3d 94, 2016-Ohio-2696](#) Courts are not required to make the R.C. 2929.14(C)(4) findings when consecutive sentences have been jointly recommended by the parties.

[JOINT RECOMMENDATION FOR CONSECUTIVE SENTENCES – COUNTS]

Pursuant to the joint recommendation of the parties, the prison term(s) imposed on Count(s) [NUMBER] shall be served consecutively to the prison term(s) on Count(s) [NUMBER]. (REPEAT AS NEEDED)

() [AGREED UPON SENTENCE FOR CONSECUTIVE SENTENCES - COUNTS]

Pursuant to the agreed upon sentence, the prison term(s) imposed on Count(s) [NUMBER] shall be served consecutively to the prison term(s) on Count(s) [NUMBER]. (REPEAT AS NEEDED)

[DISCRETIONARY CONSECUTIVE SENTENCE FINDINGS]

If the sentencing court wishes to order that counts within the indictment be served consecutively, use the following language to make the requisite findings in the entry, selecting those statutory factors that apply. Courts may supplement this language with further explanation

() [DISCRETIONARY CONSECUTIVE SENTENCE FINDINGS]

Pursuant to R.C. 2929.14(C)(4) the court orders that consecutive sentences are made necessary to protect the public from future crime or to punish the defendant, and that consecutive sentences are not disproportionate to the seriousness of the defendant's conduct and to the danger the defendant poses to the public, and because:

() The defendant committed one or more of the offenses while awaiting trial or sentencing or was under a sanction imposed pursuant to R.C. 2929.16, 2929.17, or 2929.18, or was under post-release control for a prior offense.

() At least two of the multiple offenses were committed as part of one or more courses of conduct, and the harm caused by two or more of the multiple offenses so committed was so great or unusual that no single prison term for any of the offenses committed as part of any of the courses of conduct adequately reflects the seriousness of the defendant's conduct.

() The defendant's history of criminal conduct demonstrates that consecutive sentences are necessary to protect the public from future crime by the defendant.

SENTENCE

The second section of the entry details the imposition of a prison sentence or a term of community control. Each of the two sections contains a chart detailing the prison term either imposed or reserved for each count, as well as other factors relevant to the sentence. The charts in this section do not require that the name of the offense or the statutory code sections be repeated – all offenses are referred to by count number and can be referenced with the conviction chart above.

²⁵ - [INCARCERATION IMPOSED]

This chart details when incarceration is being imposed and is distinct from residential sanctions of community control. The columns detail (from left to right):

1. The count number of the offense
2. The type of sentence being imposed – e.g. minimum term, definite term, or life term, or jail term in the case of a misdemeanor offense. Local incarceration imposed as part of a community control sentence is imposed in the [COMMUNITY CONTROL] section of the entry below. Local incarceration on a felony charge must be part of a residential sanction of community control, and should be noted in that section. TCAP sentences to be served locally are definite terms.
3. The length of the term being imposed for the offense. Life without parole (LWOP) sentences can indicate n/a here. Life terms should be entered by selecting "LIFE" as the type of term, then entering the number of years until the defendant is eligible for parole. This will export as "with parole eligibility after X years"
4. Whether the term is a mandatory term – a yes/no indication.
5. The number of any counts to which the offense will run concurrently, if any.
6. The number of any counts to which the offense will run consecutively, if any.
7. Any specifications for which a prison term is being imposed, or those for which a different penalty (eg Sexually Violent Predators) is mandated.
8. Whether the specification will run concurrently per findings above.

9. Whether the specification will run consecutively per findings above.
10. The non-life felony indefinite aggregate minimum term in the case – only necessary if there are multiple non-life felony indefinite terms are run consecutively.
11. The non-life felony indefinite maximum term imposed in the case – MANDATORY if any non-life felony indefinite minimum term is imposed.
12. The “stated prison term” in the case – this is a “global” maximum advisement. This would include specifications and is not required by law. Courts are only legally required to impose a legal sentence on each count, and a non-life felony indefinite maximum term if any qualifying offenses are present. However, sentencing judges often wish to inform a defendant of “how long the defendant will *actually* serve” and this row provides the opportunity for courts to do so.

26- [SPECIFICATION CHART]

Where a case involves specifications to one or more counts, a separate chart will be inserted following the prison imposed chart detailing those specifications. The Ad Hoc Committee felt that a separate chart was necessary given the number of issues that can arise with multiple specifications to the same count, multiple counts with specifications, and issues of merger of specifications under R.C. 2929.14(B)(1)(b). The specification chart is made up of 6 columns (from left to right):

1. The count number of the offense
2. The specification number in the indictment
3. The specification name and code section – e.g. Firearm R.C. 2941.145
4. The prison term imposed on the specification.
5. Whether the specification has merged. If merger is checked, no prison term can be imposed
6. The count number and specification number of any specifications to which the specification will run consecutively.

Specifications run consecutively by operation of law pursuant to R.C. 2929.14(C)(1). Regarding the consecutive/concurrent specifications, the issue of merger of specifications under R.C. 2929.14(B)(1)(b) and (g) is addressed in instruction 17, where necessary.

Finally, the specification chart includes a final row for the Court to indicate the sum of all consecutive specification terms imposed. This number of years is added to the consecutive terms imposed for the underlying offenses and is reflected in the stated prison term in the prison imposed chart.

COUNT #	SPECIFICATION #	SPECIFICATION NAME AND CODE SECTION	PRISON TERM	MERGED	CONSEC TO
				(<input type="checkbox"/>)	(<input type="checkbox"/>)
				(<input type="checkbox"/>)	(<input type="checkbox"/>)
SUM OF CONSECUTIVE TERMS FOR SPECIFICATIONS (add to stated prison term above)					

Courts wishing to supplement the chart with additional text may use the following language:

() **[SPECIFICATION TERM IMPOSED]** (*REPEAT AS NECESSARY*) For Specification **[NUMBER OF SPECIFICATION]** to Count **[NUMBER]**, the defendant shall serve an additional **[TERM]** of mandatory and consecutive imprisonment pursuant to **[CODE SECTION]**

() **[MDO / RVO / VCC]**
 Having been convicted of a **[REPEAT VIOLENT OFFENDER/MAJOR DRUG OFFENDER/VIOLENT CAREER CRIMINAL/]** specification in Count **[NUMBER]**, the defendant is sentenced to an additional term of **[NUMBER OF YEARS]** beyond the basic prison term listed above for the underlying offense.

27- [JUVENILE BINDOVERS – PAROLE ELIGIBILITY]

In cases where the offender was under the age of 18 at the time of the offense and is bound over to adult court, special sentencing provisions are in place in statute following the passage of 2021 Sub.S.B. No. 256. Juveniles may no longer be sentenced to life without the possibility of parole, and juveniles facing extended sentences are eligible for parole after certain statutory periods of time based on the nature of the juvenile’s convictions. That eligibility is as follows below.

For reference, “Aggravated Homicide Offense” is defined in R.C. 2967.132(A)(1) “as any of the following that involved the purposeful killing of three or more persons, when the offender is the principal offender in each offense: (1) the offense of aggravated murder, or (2) any other offense or combination of offenses that involved the purposeful killing of three or more persons.”

“Homicide Offense” is defined in R.C. 2967.132(A)(2) as “the offense of murder, voluntary manslaughter, involuntary manslaughter, or reckless homicide or the offense of aggravated murder that is not an aggravated homicide offense.”

“Principal Offender” is not currently defined by statute as it relates to these provisions. As with the Violent Offender Database considerations, Ohio Jury Instructions CR 503.01 regarding Aggravated Murder may provide guidance – (N) *PRINCIPAL OFFENDER. In order to find that the defendant was the PRINCIPAL OFFENDER in the aggravated murder, you must find that he/she (was the actual killer) (personally performed every act constituting the offense charged).*

[NON-HOMICIDE OFFENSES]

As the defendant was under the age of 18 at the time of the offense(s), the defendant will be eligible for parole after having served eighteen (18) years, unless the conviction allows for earlier consideration.

[ONE OR MORE HOMICIDE OFFENSES THAT ARE NOT “AGGRAVATED HOMICIDE OFFENSES”]

As the defendant was under the age of 18 at the time of the offense(s), and the defendant has been convicted of one or more homicide offenses that are not aggravated homicide offenses the defendant will be eligible for parole after having served twenty-five (25) years.

[TWO OR MORE HOMICIDE OFFENSES THAT ARE NOT “AGGRAVATED HOMICIDE OFFENSES”]

As the defendant was under the age of 18 at the time of the offense(s), and the defendant has been convicted of two or more homicide offenses that are not aggravated homicide offenses *and* as the court further finds that the defendant was the principal offender in two or more of those offenses, the defendant will be eligible for parole after having served thirty (30) years.

[AGGRAVATED HOMICIDE OFFENSES]

The offender will be eligible for parole in accordance with the sentence for the offense or offenses.

28- [REPEAT VIOLENT OFFENDER SPECIFICATIONS]

Ohio sentencing law includes a specification in R.C. 2929.149 for Repeat Violent Offenders (RVO), defined in [R.C. 2929.01\(CC\)](#) as individuals who are being sentenced for aggravated murder, murder, an F1 or F2 offense of violence, or an F1 or F2 attempt of one of those offenses, who have one or more prior convictions for the same or substantially equivalent offenses. The specification provides for an additional definite prison term selected by the sentencing judge of between 1-10 years in prison to be served consecutively and prior to the underlying offense. Depending on the defendant’s number of prior convictions, the trial court either has discretion to impose the additional prison term on the specification (Discretionary RVO Specs) or an additional term from the range is required by law (Mandatory RVO Specs). Sentencing provisions for RVO specifications are set forth in R.C. 2929.14(B)(2). When sentencing on RVO specifications, trial courts must state the court’s findings for the imposed sentence for the record pursuant to R.C. 2929.14(B)(2)(e). An additional prison term imposed for the RVO specification is not subject to reduction and must be served consecutively and prior to the sentence for the underlying offense pursuant to R.C. 2929.14(B)(2)(d).

When an offender has fewer than 3 prior RVO-type convictions in the preceding 20 years, sentencing on the RVO specification is governed by R.C. 2929.14(B)(2)(a). The trial court has discretion whether to impose additional time for the specification, and imposing that additional term requires **both** that the trial court impose the longest (non-LWOP) prison term available for the offense as well as additional findings set forth in R.C. 2929.14(B)(2)(a)(i-iv).

When an offender has 3 or more prior RVO-type convictions in the past 20 years, RVO sentencing is mandatory under R.C. 2929.14(B)(2)(b). The trial court **must** impose **both** the longest (non-LWOP) prison term available for the offense itself and must also impose an additional prison term selected from the 1-10 year range.

Note that if the underlying offense is a felony of the second degree, the trier of fact must make a finding that the offense involved either resulted in serious physical harm to a person or involved an attempt or threat to do so (subsection iii) and that two or more offenses committed as part of the same act or event are considered one offense for RVO purposes under R.C. 2929.14(B)(2)(c).

Finally, pursuant to R.C. 2929.14(K)(1) a prison sentence may not be imposed for both a Repeat Violent Offender specification and a Violent Career Criminal specification for offenses committed as part of the same act or transaction. Language is provided to reflect the Court's consideration of that statute in imposing sentence in those circumstances.

[MANDATORY RVO SPEC – PRIOR CONVICTIONS]

The defendant stands convicted of a repeat violent offender specification to Count(s) **[NUMBER(S)]** and **DOES/DOES NOT** have 3 or more prior convictions for qualifying RVO offenses within the past twenty years.

[MANDATORY RVO SPEC – MERGER OF PRIOR CONVICTIONS]

The Court notes that pursuant to R.C. 2929.14(B)(2)(c) that one or more of the prior repeat violent offender offenses were committed at the same time or as part of the same act or event and as such are considered one offense.

[MANDATORY RVO SPEC – ADDITIONAL TERM IMPOSED] (REPEAT AS NECESSARY)

Having found the defendant to have 3 prior RVO qualifying offense convictions in the preceding twenty years, the Court has imposed the longest prison term authorized for the underlying offense and imposes an additional prison term of **[NUMBER OF YEARS BETWEEN 1 AND 10]** for the repeat violent offender specification to Count **[NUMBER]** pursuant to R.C. 2929.14(B)(2)(a).

[DISCRETIONARY RVO SPEC – ADDITIONAL TERM IMPOSED] (REPEAT AS NECESSARY)

The defendant stands convicted of a repeat violent offender specification to Count **[NUMBER]**. The Court has imposed the longest prison term authorized for the underlying offense, and hereby finds pursuant to R.C. 2929.14(B)(2)(a)(iv) that prison term is inadequate to punish the offender as the applicable R.C. 2929.12 factors indicating a higher likelihood of recidivism outweigh those indicating a lesser likelihood:

OFFENDER'S RECIDIVISM MORE LIKELY [R.C. 2929.12(D)]

The Court believes the defendant is more likely to commit future crimes as:

- The offense(s) was/were committed while the defendant was on bail, awaiting sentence, on felony community control or post-release control, or after post-release control had been unfavorably terminated.
- The defendant has a history of criminal convictions or juvenile delinquency adjudications.
- The defendant has not responded favorably to sanctions previously imposed in adult or juvenile court.
- The defendant shows pattern of alcohol/drug use related to offense and doesn't acknowledge it or refuses treatment.
- The defendant shows no genuine remorse.
- [OTHER RELEVANT RECIDIVISM FACTOR DETAILED BY COURT]**

OFFENDER'S RECIDIVISM LESS LIKELY [2929.12(E)]

The Court believes the defendant is less likely to commit future crimes as:

- The defendant has no prior juvenile delinquency adjudication and/or no prior adult conviction.
- The defendant has led a law-abiding life for a significant number of years.
- The offense was committed under circumstances unlikely to recur.
- The defendant shows genuine remorse.
- [OTHER RELEVANT RECIDIVISM FACTOR DETAILED BY COURT]**

The Court further finds pursuant to R.C. 2929.14(B)(2)(a)(iv) that the prison term imposed for the underlying offense demeans the seriousness of the offense as the R.C. 2929.12 factors indicating the defendant's conduct is more serious are present and outweigh any applicable factors indicating the conduct is less serious:

OFFENDER'S CONDUCT MORE SERIOUS [R.C. 2929.12(B)]

The Court believes this conduct is more serious than that normally constituting the offense because:

- That the injury(ies) caused in this case were exacerbated by the physical or mental condition or age of the victim.
- That the victim(s) suffered serious physical, psychological, or economic harm.
- That the defendant held public office or position of trust related to the offense.
- That the defendant's occupation, elected office, or profession obliged the offender to prevent the offense or to bring those committing it to justice.
- That the defendant's professional reputation or occupation, elected office, or profession facilitated the offense or is likely to influence others' conduct.
- That the defendant's relationship with the victim facilitated the offense.
- That the defendant acted for hire or as part of organized criminal activity.
- That the defendant was motivated by prejudice based on race, ethnicity, gender, sexual orientation, or religion.
- In this **[DOMESTIC VIOLENCE/ASSAULT]** case, the defendant was a parent or custodian, the victim was a family or household member, and the offense was committed in the vicinity of one or more children other than the victim.
- [OTHER RELEVANT SERIOUSNESS FACTOR DETAILED BY COURT]**

OFFENDER'S CONDUCT LESS SERIOUS [2929.12(C)]

The Court believes this conduct is less serious than that normally constituting the offense because:

- Of the extent to which the victim induced and/or facilitated the offense.
- The defendant acted under strong provocation.
- The defendant did not cause or expect to cause physical harm to person or property.
- Substantial grounds exist to mitigate the defendant's conduct, even if those grounds do not constitute a defense.
- [OTHER RELEVANT SERIOUSNESS FACTOR DETAILED BY COURT]**

The Court therefore **DOES** impose an additional prison term of **[NUMBER OF YEARS BETWEEN 1 AND 10]** for the repeat violent offender specification to Count **[NUMBER]** pursuant to R.C. 2929.14(B)(2)(a).

[DISCRETIONARY RVO SPEC – ADDITIONAL TERM NOT IMPOSED](REPEAT AS NECESSARY)

The defendant stands convicted of a repeat violent offender specification to Count **[NUMBER]**. The Court has determined that the prison term imposed for the underlying offense is adequate to punish the offender as the applicable R.C. 2929.12 factors indicating a lesser likelihood of recidivism outweigh those indicating a higher likelihood:

OFFENDER'S RECIDIVISM MORE LIKELY [R.C. 2929.12(D)]

The Court believes the defendant is more likely to commit future crimes as:

- () The offense(s) was/were committed while the defendant was on bail, awaiting sentence, on felony community control or post-release control, or after post-release control had been unfavorably terminated.
- () The defendant has a history of criminal convictions or juvenile delinquency adjudications.
- () The defendant has not responded favorably to sanctions previously imposed in adult or juvenile court.
- () The defendant shows pattern of alcohol/drug use related to offense and doesn't acknowledge it or refuses treatment.
- () The defendant shows no genuine remorse.
- () **[OTHER RELEVANT RECIDIVISM FACTOR DETAILED BY COURT]**

() **OFFENDER'S RECIDIVISM LESS LIKELY [2929.12(E)]**

The Court believes the defendant is less likely to commit future crimes as:

- () The defendant has no prior juvenile delinquency adjudication and/or no prior adult conviction.
- () The defendant has led a law-abiding life for a significant number of years.
- () The offense was committed under circumstances unlikely to recur.
- () The defendant shows genuine remorse.
- () **[OTHER RELEVANT RECIDIVISM FACTOR DETAILED BY COURT]**

The Court further finds pursuant to R.C. 2929.14(B)(2)(a)(iv) that the prison term imposed for the underlying offense does not demean the seriousness of the offense as the R.C. 2929.12 factors indicating the defendant's conduct is less serious are present and outweigh any applicable factors indicating the conduct is more serious:

() **OFFENDER'S CONDUCT MORE SERIOUS [R.C. 2929.12(B)]**

The Court believes this conduct is more serious than that normally constituting the offense because:

- () That the injury(ies) caused in this case were exacerbated by the physical or mental condition or age of the victim.
- () That the victim(s) suffered serious physical, psychological, or economic harm.
- () That the defendant held public office or position of trust related to the offense.
- () That the defendant's occupation, elected office, or profession obliged the offender to prevent the offense or to bring those committing it to justice.
- () That the defendant's professional reputation or occupation, elected office, or profession facilitated the offense or is likely to influence others' conduct.
- () That the defendant's relationship with the victim facilitated the offense.
- () That the defendant acted for hire or as part of organized criminal activity.
- () That the defendant was motivated by prejudice based on race, ethnicity, gender, sexual orientation, or religion.
- () In this **[DOMESTIC VIOLENCE/ASSAULT]** case, the defendant was a parent or custodian, the victim was a family or household member, and the offense was committed in the vicinity of one or more children other than the victim.
- () **[OTHER RELEVANT SERIOUSNESS FACTOR DETAILED BY COURT]**

() **OFFENDER'S CONDUCT LESS SERIOUS [2929.12(C)]**

The Court believes this conduct is less serious than that normally constituting the offense because:

- () Of the extent to which the victim induced and/or facilitated the offense.
- () The defendant acted under strong provocation.
- () The defendant did not cause or expect to cause physical harm to person or property.
- () Substantial grounds exist to mitigate the defendant's conduct, even if those grounds do not constitute a defense.
- () **[OTHER RELEVANT SERIOUSNESS FACTOR DETAILED BY COURT]**

The Court therefore DOES NOT impose an additional prison term for the repeat violent offender specification to Count [NUMBER] pursuant to R.C. 2929.14(B)(2)(a).

() **RVO AND VIOLENT CAREER CRIMINAL SPECIFICATIONS MERGED [R.C. 2929.14(K)(1)] (REPEAT AS NECESSARY)**

Having imposed a sentence for a Repeat Violent Offender specification in Count(s) [NUMBER(S)] Specification(s) [NUMBER(S)], pursuant to R.C. 2929.14(K)(1) the Court will not impose a sentence for the Violent Career Criminal Specification in Count(s) [NUMBER(S)] Specification(s) [NUMBER(S)] as the Court finds that those offenses were committed as part of the same act or transaction.

() **RVO AND VIOLENT CAREER CRIMINAL SPECIFICATIONS NOT MERGED [R.C. 2929.14(K)(1)] (REPEAT AS NECESSARY)**

Having imposed a sentence for a Repeat Violent Offender specification in Count(s) [NUMBER(S)] Specification(s) [NUMBER(S)], pursuant to R.C. 2929.14(K)(1) the Court will impose a sentence for the Violent Career Criminal Specification in Count(s) [NUMBER(S)] Specification(s) [NUMBER(S)] as the Court finds that those offenses were not committed as part of the same act or transaction.

²⁹ - **[MULTIPLE CASES – CONSECUTIVE / CONCURRENT SENTENCING]**

Use the following language where the Court is aware of other active cases pending against the defendant and wishes to make an order for how those sentences are to be served in relation to each other:

() **[MULTIPLE CASES – CONCURRENT]**

The Court orders that the sentence in this case shall be served **concurrently** to Case [NUMBER] [SPECIFY IF DIFFERENT JURISDICTION]. **(REPEAT AS NEEDED)**

() **[MULTIPLE CASES – CONSECUTIVE]**

If the sentencing court wishes to order separate cases be served consecutively, use the following language to make the requisite findings in the entry and to order the sentence to be served consecutive to the other cases.

() **[DISCRETIONARY CONSECUTIVE SENTENCE FINDINGS](NEED TO REPEAT IF USED FOR COUNTS)**

Select those statutory factors that apply. Courts may supplement this language with further explanation.

Pursuant to R.C. 2929.14(C)(4) the court orders that consecutive sentences are made necessary to protect the public from future crime or to punish the defendant, and that consecutive sentences are not disproportionate to the seriousness of the defendant's conduct and to the danger the defendant poses to the public, and because:

() The defendant committed one or more of the offenses while awaiting trial or sentencing or was under a sanction imposed pursuant to R.C. 2929.16, 2929.17, or 2929.18, or was under post-release control for a prior offense.

() At least two of the multiple offenses were committed as part of one or more courses of conduct, and the harm caused by two or more of the multiple offenses so committed was so great or unusual that no single prison term for any of the offenses committed as part of any of the courses of conduct adequately reflects the seriousness of the defendant's conduct.

() The defendant's history of criminal conduct demonstrates that consecutive sentences are necessary to protect the public from future crime by the defendant.

The Court orders that the sentence in this case shall be served consecutively to Case [NUMBER] [SPECIFY IF DIFFERENT JURISDICTION]. **(REPEAT AS NECESSARY)**

() **[MULTIPLE CASES – SPECIFICATIONS]**

Courts may wish to order that a sentence containing specifications be served concurrently to a sentence in another case. However, certain specifications require that the sentence must be served consecutively to any other prison terms imposed [see, e.g., R.C. 2929.14(C)(1)(a)]. This issue is highlighted by the Supreme Court of Ohio’s decision in [State ex rel. Fraley v. ODRC, 161 Ohio St.3d 209, 2020-Ohio-4410](#). Courts should use the following language to distinguish these types of specifications and sentences:

By operation of law, the specifications to Count(s) **[NUMBER(s)]** in this case shall be served consecutively to the sentence in Case **[NUMBER]** **[SPECIFY IF DIFFERENT JURISDICTION]**.

[JOINTLY RECOMMENDED CONSECUTIVE SENTENCES – CASES]

Pursuant to [State v. Sergeant, 148 Ohio St.3d 94, 2016-Ohio-2696](#) Courts are not required to make the R.C. 2929.14(C)(4) findings when consecutive sentences have been jointly recommended by the parties.

[JOINT RECOMMENDATION FOR CONSECUTIVE SENTENCES – CASES](REPEAT AS NECESSARY)

Pursuant to the joint recommendation of the parties, the sentence in this case shall be served consecutively to Case **[NUMBER]** **[SPECIFY IF DIFFERENT JURISDICTION]**.

³⁰- **[ORDER OF SENTENCES]**

Courts can structure the specific order where sentences will be served, when not otherwise dictated by law (e.g. specifications) with the following language:

[ORDER OF SENTENCES]

The Court also orders that the counts in this case will be served in the following order: **[DETAIL ORDER OF SENTENCES BY COUNT]**

³¹- **[NON-LIFE FELONY INDEFINITE SENTENCING]**

For cases involving non-life felony indefinite sentencing qualifying offenses (F1 and F2 offenses committed after March 22, 2019) use the following language to clearly state the maximum term involved in the case, as well as language indicating the defendant has been advised of indefinite sentencing procedures on the record as required by law. For additional information on non-life felony indefinite sentencing, see the Sentencing Commission’s [SB201 Indefinite Sentencing Quick Reference Guide](#).

[NON-LIFE FELONY INDEFINITE SENTENCING]

Counts **[NUMBER]** are qualifying offenses subject to indefinite sentencing and the defendant has been sentenced to a minimum term on each qualifying count as detailed above

[NON-LIFE FELONY INDEFINITE TERM SUMMATION] [Single Count]

Having imposed the minimum term[s] on Count **[NUMBER]** the Court further sentences the defendant to a maximum term of **[THAT MINIMUM TERM + 50% of ITSELF]** pursuant to R.C. 2929.144(B)(1).

[NON-LIFE FELONY INDEFINITE TERM SUMMATION] [Multiple Counts / Indefinite terms run Concurrently]

Having imposed the minimum term[s] on Count[s] **[NUMBER]**

and definite terms on Count[s] **[NUMBER]**

and having ordered all prison terms in the case to run concurrently, the Court further sentences the defendant to a maximum term of imprisonment in this case of **[THE LONGEST MINIMUM TERM IMPOSED FOR THE MOST SERIOUS QUALIFYING FELONY + 50% OF THAT TERM]** pursuant to R.C. 2929.144(B)(3).

[NON-LIFE FELONY INDEFINITE TERM SUMMATION] [Multiple Counts / Indefinite terms run Consecutively]

Having imposed the minimum term[s] on Count[s] **[NUMBER]**

and definite terms on Count[s] **[NUMBER]**

And having ordered Counts [NUMBER] to be run consecutively, the Court further sentences the defendant to an aggregate minimum term of **[SUM OF ALL CONSECUTIVE MINIMUM AND DEFINITE TERMS]** and a maximum term of **[THE SUM OF ALL CONSECUTIVE MINIMUM AND DEFINITE TERMS + 50% OF THE LONGEST MINIMUM OR DEFINITE TERM IMPOSED FOR THE MOST SERIOUS FELONY BEING SENTENCED]** pursuant to R.C. 2929.144.

[NON-LIFE INDEFINITE SENTENCING NOTIFICATIONS] (MANDATORY IF OPTION ABOVE IS SELECTED)

R.C. 2929.19(B)(2)(c) **requires** Courts to notify defendants sentenced to a non-life felony indefinite term of the procedures of indefinite sentencing and the fact that the defendant was notified should be memorialized in the sentencing entry with the following language. Also note that R.C. 2929.19(B)(2)(c)(i) as written contains language that may be confusing to defendants who are facing a mandatory term on the defendant’s 2019 Am.Sub.S.B. No. 201 qualifying offense. Mandatory terms and sexually oriented offenses are not eligible for earned reduction of the minimum prison term, and that language in (B)(2)(c)(i) relating to the “presumed earned early release date” should be omitted in those circumstances.

[NON-LIFE FELONY INDEFINITE TERM SUMMATION]

Pursuant to R.C. 2929.19(B)(2)(c), having imposed a non-life felony indefinite prison term, the Court advised the defendant on the record of the indefinite sentencing procedures. The Court explained on the record that:

- (i) It is rebuttably presumed that the offender will be released from service of the sentence on the expiration of the minimum prison term imposed as part of the sentence or on the offender’s presumptive earned early release date (if applicable), as defined in R.C. 2967.271, whichever is earlier;
- (ii) That the department of rehabilitation and correction may rebut the presumption described in R.C. 2929.19(B)(2)(c)(i) if, at a hearing held under R.C. 2967.271, the department makes specified determinations regarding the offender’s conduct while confined, the offender’s rehabilitation, the offender’s threat to society, the offender’s restrictive housing, if any, while confined, and the offender’s security classification;
- (iii) That if, as described in R.C. 2929.19(B)(2)(c)(ii), the department at the hearing makes the specified determinations and rebuts the presumption, the department may maintain the offender’s incarceration after the expiration of that minimum term or after that presumptive earned early release date for the length of time the department determines to be reasonable, subject to the limitation specified in R.C. 2967.271;
- (iv) That the department may make the specified determinations and maintain the offender’s incarceration under the provisions described in R.C. 2929.19(B)(2)(c)(i) and (ii) more than one time, subject to the limitation specified in R.C. 2967.271;
- (v) That if the offender has not been released prior to the expiration of the offender’s maximum prison term imposed as part of the sentence, the offender must be released upon the expiration of that term.

32- [RISK REDUCTION]

Use the following language to indicate the Court’s decision regarding a risk reduction sentence after considering whether the defendant is eligible for and agrees to such a sentence under R.C. 2929.143(A):

The defendant **[IS/IS NOT]** recommended for a risk reduction sentence per R.C. 2929.143

33- [COMMUNITY CONTROL IMPOSED]

Am.Sub. H.B. 110, the 2021-2022 State Budget Bill (effective 09/30/21) makes changes to [R.C. 2929.19\(B\)\(4\)](#) and [R.C. 2929.15\(B\)\(3\)](#) regarding the notifications required at the sentencing hearing when a defendant is placed on community control. Judges no longer are required to indicate a specific prison term that will be imposed. Instead, the court must “indicate the range from which the prison term may be imposed as a sanction for the violation, which shall be the range of prison terms for the offense that is specified pursuant to R.C. 2929.14.”

Courts are required to have a pre-sentence investigation (PSI) completed prior to sentencing a defendant to community control, unless specifically waived by the parties, in every felony case. A language selection regarding the PSI is provided at

the beginning of the Community Control Imposed section.

When imposing a term of community control in lieu of a prison term, the court will first state the term of community control and then detail the reserved sentence range for each count in the community control imposed chart. This chart contains 9 columns, referencing each offense by count number as detailed in the conviction chart above. *Cells shaded in grey will not appear in the final entry if no data is entered.*

The columns detail (from left to right):

1. The count number of the offense
2. The length of the community control supervision on each count, expressed in months or years.
3. The reserved sentence range for a definite sentencing offense, as specified under R.C. 2929.14, including what type of term is reserved – A definite term from the range of between 6-12 months for a F5. *As noted above, a specific reserved prison term is no longer required after 09/30/21 and the court should state the range of definite terms available for the offense.*
4. The reserved sentence range for a non-life felony indefinite sentencing offense, as specified under R.C. 2929.14, including what type of term is reserved – e.g. an indefinite minimum term of between 2-8 years for a F2. When an indefinite range is entered into the chart, courts **must** also use the non-life felony indefinite maximum term advisement below. *As noted above, a specific reserved prison term is no longer required after 09/30/21 and the court should state the range of indefinite minimum terms available for the offense.*
5. The number of any counts to which the reserved prison term will run concurrently, if any. This column is optional, as offenses run concurrently by operation of law, but provides courts the ability to select counts to run concurrently.
6. The number of any counts to which the reserved prison term will run consecutively, if any. See the note on *State v. Howard* below for additional information on reserved consecutive sentences. This column is optional, as notice of the potential imposition of consecutive sentences on each count is sufficient under *Howard*, but provides courts the ability to select which counts to run consecutively.
7. Whether a mandatory fine is attached to the count – a yes/no indication.
8. The amount of fine imposed for the count. Other considerations around fines including ability to pay considerations are detailed later in the entry.
9. Any residential sanction imposed by the court pursuant to R.C. 2929.16 – e.g. 180 jail sanction or a term in a Community Based Correctional Facility (CBCF). This will also be listed as a community control residential sanction, whether in the language of the entry or an attached form.

In [*State v. Howard*, 162 Ohio St.3d 314, 2020-Ohio-3195](#), the Supreme Court held that when placing a defendant on community control, the sentencing court needs to inform the defendant that consecutive terms would be imposed in the event of revocation, but need not make the R.C. 2929.14(C) consecutive sentence findings until the reserved prison term is imposed following a revocation hearing. Those findings will **always** be required at the time of revocation and imposition of the reserved prison sentence, but at the initial placement on community control, notice of reserved consecutive sentences will suffice. Note that an indication of **specific** counts that will run consecutively may limit the courts options upon violation – R.C. 2929.15(B)(3) continues to limit the length of prison terms available upon revocation of community control to that stated at the initial sentencing hearing. Put simply, a court that says “Counts 1 and 2 will run concurrently to each other but consecutively to Count 3” when reserving a sentence may be estopped from running those counts in another manner at a later revocation hearing.

Courts are only legally required to state the range of prison terms for each offense, and to indicate that counts may be run consecutively. There is no legal requirement that the judge give a “global” maximum sentence advisement – or the sum of all terms to be run consecutively. Courts may do so on the record, but no row is provided in the USE as it is not legally required. This “global” maximum is different from the necessary advisement on a non-life felony indefinite maximum term as described below.

A space is after the chart for the court to list any conditions/sanctions of community control, or to reference an attached sheet detailing those conditions. The Uniform Sentencing Entry package includes a Sample Community Control Sanctions

form.

Courts should include any payment plans/requirements for financial sanctions as part of the list of community control sanctions.

Community Control violations are handled in a separate entry.

() [COMMUNITY CONTROL IMPOSED]

() [THE COURT HAS CONSIDERED THE PRESENTENCE INVESTIGATION.]

() [THE PRESENTENCE INVESTIGATION WAS WAIVED BY THE PARTIES.]

() [NO PSI ORDERED (MISDEMEANOR ONLY)]

The Court has considered the factors in R.C. 2929.13, finds the defendant amenable to available community control sanctions, and sentences the defendant to a term of [NUMBER] [MONTHS/YEARS] community control supervision on each count as listed below, to run concurrently. The period of community control will include the conditions and sanctions [AS LISTED BELOW] [AS LISTED ON ATTACHED FORM]. The defendant is ordered to report forthwith to the [PROBATION SERVICES PROVIDER]. The Court reserves the right pursuant to R.C. 2929.15 to modify the conditions of community control, to extend the period of supervision, or to impose more restrictive sanctions if the defendant is found to be in violation of community control.

The defendant was informed that if any conditions of a community control sanction are violated or if the defendant violates a law or leaves the state without the permission of the court or the defendant’s probation officer, the sentencing court may impose a longer time under the same sanction, may impose a more restrictive sanction or may impose a prison term as detailed below:

COUNT #	LENGTH OF COMM CONTROL	SENTENCE RANGE DEFINITE	SENTENCE RANGE INDEFINITE MINIMUM

() [CONSECUTIVE SENTENCE POSSIBILITY]

The defendant was also informed that the Court may impose consecutive sentences at a future revocation hearing.

34- [NON-LIFE FELONY INDEFINITE MAXIMUM TERM]

If the presumption in favor of prison has been overcome on a non-life felony indefinite sentencing qualifying offense, Courts must advise the defendant of a single potential maximum term of imprisonment in addition to the minimum term(s) and any definite term(s) imposed in the event community control is revoked. As this maximum term cannot be calculated without specific terms being imposed and concurrent/consecutive decisions being made, Courts should inform the defendant of the additional length of the maximum term that could be imposed if the longest minimum term were imposed – an additional 5.5 years if the highest charge is a qualifying F1, or an additional 4 years if the highest charge is a qualifying F2. The below language can be used to reflect that advisement in the entry.

() [NON-LIFE FELONY INDEFINITE MAXIMUM TERM]

Count(s) [NUMBER(S)] are qualifying offenses subject to indefinite sentencing and the defendant has been informed of the applicable range of minimum terms as set forth in R.C. 2929.14 on each qualifying count. The defendant has also been

informed that the defendant would also be sentenced to an indefinite maximum prison term in this case as calculated as set forth in R.C. 2929.144.

35- [RESIDENTIAL SANCTIONS]

Courts may order community residential sanctions per R.C. 2929.16 as conditions of community control. Residential sanctions rise to the level of “confinement” and should not be confused with in-patient treatment which can be ordered as a nonresidential sanction in the next section. Residential sanctions include, but are not limited to the options below. A court may use any or all of these sanctions as part pf community control. Courts may choose to allow limited release from residential sanction for specified purposes as detailed in R.C. 2929.16(B), though these conditions may be part of a residential facility’s program structure. Language is also provided for counties with a minimum security jail facility per 2929.16(D) and/or a county jail industry program per R.C. 2929.16(C).

A local jail sanction may not exceed 6 months pursuant to R.C. 2929.16(A)(2), except that F-4 OVI convictions may serve up to one year per R.C. 2929.16(A)(3).

Non-violent felonies of the fourth and fifth degree may serve any jail term imposed as a residential sanction in a minimum-security jail when appropriate per R.C. 2929.16(D).

The Court imposes the following residential sanction(s) pursuant to R.C. 2929.16(A):

- () A term of up to six (6) months at **[NAME OF COMMUNITY BASED CORRECTIONAL FACILITY]**
- () A **[LENGTH (DAYS)]** term of incarceration at **[NAME OF JAIL FACILITY]**
 - () The defendant is approved for participation in **[NAME OF JAIL TREATMENT PROGRAM]**
- () A term at **[NAME OF HALFWAY HOUSE FACILITY]**
 - () **[LENGTH (DAYS)]** (optional)
- () A term at **[NAME OF ALTERNATIVE RESIDENTIAL FACILITY]**
 - () **[LENGTH (DAYS)]** (optional)

() Having ordered the above residential sanction, the Court authorizes the defendant’s limited release under R.C. 2929.16(B) to:

- () Seek or maintain employment
- () Receive education and/or training
- () Receive treatment

() Having ordered the above term in local jail, the Court specifies that the defendant may serve the term in a minimum security jail if found appropriate by the jail administrator.

() The Court orders that the defendant **[MAY/MAY NOT]** be considered for the county jail industry program.

36- [NONRESIDENTIAL SANCTIONS]

Below are the nonresidential sanctions named by statute in R.C. 2929.17. This list is not exhaustive, as the sentencing court has broad discretion to fashion community control sanctions so long as the sanctions are reasonably related to the goals of community control and do not unnecessarily infringe on the defendant’s liberty – see *State v. Jones*, 49 Ohio St.3d 51, 550 N.E.2d 469 (1990). The sentencing court must order the conditions of community control, and can only add additional or more restrictive conditions once a violation of community control has been found.

Note that if any nonresidential sanction is imposed, the Court must impose the condition that defendant follow all laws and not leave the state without permission pursuant to R.C. 2929.15(A)(1) – hence, that sanction is not “optional” and has no checkbox.

House Arrest is defined in R.C. 2929.01(P). Courts may choose to impose one or more of the R.C. 2929.17(B) sanctions for a set term or until further order of the court.

Pursuant to R.C. 2929.17(C) courts may impose up to five hundred hours of community service.

Note that victim-offender mediation requires prior approval from the victim per R.C. 2929.17(L). Also note that R.C. 2929.17(N) counseling for offenders convicted of R.C. 2919.25 Domestic Violence or of felonious assault, aggravated assault, or simple assault where the victim was a family or household member and the offense was committed in the vicinity of non-victim children of whom the defendant or victim is a parent or guardian. Where defendant was convicted of R.C. 2907.04 Unlawful Sexual Conduct with a Minor and defendant was under age 21 at the time of the offense, sex offender treatment under R.C. 2929.17(O) and R.C. 2950.16 may be ordered.

The Court may wish to make payment of those sanctions a condition of the defendant's community control supervision, and may do so here, but the imposition of said financial sanctions is covered in a separate section below.

The Court imposes the following nonresidential sanction(s) pursuant to R.C. 2929.17:

Pursuant to R.C. 2929.17(A) the defendant must follow all local, state, and federal laws and ordinances, and may not leave the state without the permission

() of the Court

() of the defendant's probation officer

() A term of day reporting on community control for **[LENGTH (DAYS) / UNTIL FURTHER ORDER OF THE COURT]**

() A term of

() **[ELECTRONIC MONITORING]**

() for **[LENGTH (DAYS) / UNTIL FURTHER ORDER OF THE COURT]**

() **[CONTINUOUS ALCOHOL MONITORING]**

() for **[LENGTH (DAYS) / UNTIL FURTHER ORDER OF THE COURT]**

() **[HOUSE ARREST]**

() **[ADDITIONAL CONDITIONS OF HOUSE ARREST]**

() for **[LENGTH (DAYS) / UNTIL FURTHER ORDER OF THE COURT]**

() That the defendant perform **[AMOUNT]** hours of community service.

() Having considered the substance abuse assessment of the defendant by a treatment professional, a term of treatment at **[NAME OF TREATMENT PROVIDER] [COURT MAY SPECIFY SECURITY LEVEL]**

() The defendant will abstain from the use of **[DRUGS / ALCOHOL / BOTH]**.

() The defendant will be subject to drug and alcohol monitoring, including random drug testing.

() The defendant will abide by the following curfew: **[COURT MAY SPECIFY HOURS]**

() The defendant will obtain and/or maintain employment, or be involved in full-time education or job training.

() The defendant will participate in victim-offender mediation.

() The defendant will complete the following assessment(s) and comply with all treatment recommendations:

() **Substance Abuse**

() **Mental/Behavioral Health**

() **Anger Management**

() **[SPECIFY OTHER TYPE]**

() The defendant will participate in Alcoholics Anonymous/Narcotics Anonymous or other 12-step group meetings.

() The defendant will attend **[NUMBER] [PER MONTH / WEEK]** and will provide attendance verification to the probation department.

() A license violation report.

() The defendant will participate in counseling pursuant to R.C. 2929.17(N).

() The defendant will participate in a certified sex offender treatment program pursuant to R.C. 2929.17(O) and R.C. 2950.16.

() The defendant will comply with any and all orders of any other court with relation to the Child Support Enforcement Agency.

() Stay away from and have no contact in person or by any means with **[VICTIM, LOCATION, OR OTHER]** as a condition of community control.

() The defendant will set up an installment payment plan for all court-ordered financial sanctions imposed below.

() **[SPECIFY OTHER CONDITIONS]**

37- [COURTESY SUPERVISION / INTERSTATE COMPACT FOR ADULT OFFENDER SUPERVISION]

An offender may have community control supervision transferred to another county where the defendant resides (courtesy supervision) pursuant to R.C. 2301.28, or, under certain circumstances, to another state pursuant to the Interstate Compact for Adult Offender Supervision pursuant to R.C. 5149.21.

More information on the Interstate Compact for Adult Offender Supervision may be found via the [bench book on the topic](#) and information about potential transfer issues [in a white paper](#) published by the group.

() **[COURTESY SUPERVISION]**

As the defendant is a resident of **[NAME OF COUNTY]** the Court hereby orders the defendant’s community control supervision transferred to that county, subject to this Court’s continuing jurisdiction pursuant to R.C. 2301.28.

() **[INTERSTATE COMPACT]**

As the defendant is a resident of **[NAME OF STATE]** and at the defendant’s request, the Court hereby orders the probation department to submit an application to the Ohio Interstate Compact Office for the defendant’s supervision to be transferred to **[NAME OF STATE]**.

38- [JOINT RECOMMENDATION ACCEPTED / AGREED UPON SENTENCE IMPOSED]

Where a joint recommendation of the parties or an agreed upon sentence is adopted as the sentence of the court, insert this language to supplement the record in case of an appeal:

The stated prison term imposed in this case is authorized by law and was recommended jointly by the defendant and the prosecution in the case pursuant to R.C. 2953.08(D)

39- [POST-RELEASE CONTROL]

All defendants must be notified pursuant to R.C. 2929.19(B)(2)(d & e) of post-release control (PRC) obligations at sentencing both on the record and in the entry. The decision by the Supreme Court in [State v. Grimes, 151 Ohio St.3d 19, 2017-Ohio-2927](#) does not distinguish between sentencing to community control or to prison – it holds that court’s must notify the defendant orally of post-release control obligations at “the sentencing hearing” and that the entry must include whether that post-release control is mandatory or discretionary, its duration, a statement that PRC will be administered by the Adult Parole Authority, and the potential consequences of any violation.

The lengths of PRC terms were amended with passage of Am.Sub.H.B. 110, effective 09/30/2021. All felony sex offenses remain subject to a mandatory 5 year term of PRC. Other mandatory terms of post-release control – those for felonies of the first and second degree, as well as felonies of the third degree which are offenses of violence, have had the applicable term of PRC reduced and made indefinite. The remaining felonies of the third, fourth, and fifth degree have had the discretionary term of PRC reduced from three years to two years.

When sentencing a non-sex offense F1 or F2, or an F3 offense of violence, the court should inform the defendant of the mandatory minimum term of post-release control, and of the maximum term of post-release control. Selection by the trial judge of a specific term of post-release control from that range should be avoided, as the amount of time served under PRC sanctions has historically been under the discretion of the parole board, as authorized in R.C. 2967.28.

[POST-RELEASE CONTROL]

() **[POST-RELEASE CONTROL (SINGLE COUNT/LONGEST TERM JURISDICTION)]**

As a result of the conviction(s) in this case and the imposition of a prison sentence, and pursuant to R.C. 2967.28, the defendant **[WILL/MAY]** be subject to a period of post-release control of:

() **ANY felony sex offense** – Five years.

() **F1 offense** – A mandatory minimum 2 years, up to a maximum of 5 years.

- () **F2 offense** – A mandatory minimum 18 months PRC, up to a maximum of 3 years.
- () **F3 offense of violence** – A mandatory minimum 1 year PRC, up to a maximum of 3 years.
- () **All other F3, F4, and F5 offenses** – Up to 2 years of PRC at the discretion of the Parole Board.

The Adult Parole Authority will administer post-release control pursuant to R.C. 2967.28, and the defendant has been advised that if the defendant violates post-release control, the Parole Board may impose a prison term as part of the sentence of up to half of the stated prison term or stated minimum term originally imposed upon the defendant in nine-month increments. If, during the period of the releasee's post-release control, the releasee serves as a post-release control sanction the maximum prison time available as a sanction, the post-release control shall terminate.

If while on post-release control the defendant is convicted of a new felony, the sentencing court will have authority to terminate the post-release control and order a consecutive prison term of up to the greater of twelve months or the remaining period of post-release control.

Note that pursuant to R.C. 2967.28(G) when a defendant is subject to parole and post-release control, or to multiple periods of post-release control the term of supervision will be the period of supervision that expires last as determined by the parole board. However, jurisdictions are split as to whether, at sentencing, the defendant must be informed of the term of post-release control the defendant could potentially face on each individual count. Courts in those jurisdictions requiring an advisement on each count should repeat the following language as necessary in the first line of the PRC section:

() **[POST-RELEASE CONTROL (MULTIPLE COUNTS)]**

As a result of the conviction for:

- () A Felony sex offense in Count(s) **[NUMBER(S)]** the defendant will be subject to a 5-year term of post-release control.
- () A Felony of the First Degree in Count(s) **[NUMBER(S)]** the defendant will be subject to a minimum 2-year term of post-release control, up to a maximum 3 years
- () A Felony of the Second Degree in Count(s) **[NUMBER(S)]** the defendant will be subject to a minimum 18-month term of post-release control, up to a maximum 3 years
- () A Felony of the Third Degree that is an offense of violence in Count(s) **[NUMBER(S)]** the defendant will be subject to a minimum 1-year term of post-release control, up to a maximum 3 years.
- () A Felony of the Third, Fourth, or Fifth Degree in Count(s) **[NUMBER(S)]** the defendant may be subject up to a maximum 2 years of post-release control at the discretion of the parole board.

Upon release from prison, the defendant will be supervised for the period of supervision which expires last. All periods of post-release control run concurrently.

The Adult Parole Authority will administer post-release control pursuant to R.C. 2967.28, and the defendant has been advised that if the defendant violates post-release control, the Parole Board may impose a prison term as part of the sentence of up to half of the stated prison term or stated minimum term originally imposed upon the defendant in nine-month increments. If, during the period of the releasee's post-release control, the releasee serves as a post-release control sanction the maximum prison time available as a sanction, the post-release control shall terminate.

If while on post-release control the defendant is convicted of a new felony, the sentencing court will have authority to terminate the post-release control and order a consecutive prison term of up to the greater of twelve months or the remaining period of post-release control.

40- [OFFENDER ON TRANSITIONAL / POST-RELEASE CONTROL AT TIME OF A NEW FELONY OFFENSE]

When a defendant commits a new felony offense while on post-release control, [R.C. 2929.141](#) provides the sentencing court in the new felony case with additional sentencing options. The sentencing court in the new felony case may terminate the defendant's community control, and either:

R.C. 2929.141(A)(1): impose an additional, consecutive prison term of either the greater of 12 months OR the defendant's remaining time on PRC reduced by any prison term imposed by the Parole Board as a sanction for violating PRC.

R.C. 2929.141(A)(2): impose sanctions under R.C. 2929.15-18 (community control sanctions, residential or nonresidential and financial sanctions) to run either concurrently or consecutively to any community control sanctions imposed for the new felony.

The statute provides the "new felony" sentencing court jurisdiction over this PRC sentence regardless of where the defendant's PRC case originated. Court's imposing a prison term of the length of the remaining time on PRC should account for the period of PRC originally imposed, the time the defendant has spent under PRC supervision, as well as any prison terms imposed by the parole board for violating PRC.

Note that pursuant to *State v. Bishop*, 156 Ohio St.3d 156, 2018-Ohio-5132, the Court in the new felony must inform the defendant of this potential consequence at the time of the plea in order to sentence under R.C. 2941.141. Use the following language in this circumstance:

[OFFENDER ON POST-RELEASE CONTROL AT TIME OF NEW FELONY OFFENSE]

The Court, having found the defendant to have been on post-release control supervision at the time of the commission of the felony **[OFFENSE/OFFENSES]** in this case, hereby orders the post-release control terminated and:

[PRISON IMPOSED]

the defendant is ordered to serve **[PRISON TERM]** consecutively to the prison term in this case.

[COMMUNITY CONTROL IMPOSED]

That the defendant serve a **[COMMUNITY CONTROL SANCTION / COMMUNITY RESIDENTIAL SANCTION / NONRESIDENTIAL SANCTION] [CONCURRENTLY/CONSECUTIVELY]** to the community control sanctions in this case.

The statute also provides a similar sentencing option when the defendant committed the new felony while on transitional control (R.C. 2967.26) following release from prison. The court may impose an additional, consecutive prison term of not more than 12 months for committing the new offense while on transitional control. Use the following language to impose that additional term:

[OFFENDER ON TTRANSITIONAL CONTROL AT TIME OF NEW FELONY OFFENSE]

The Court, having found the defendant to have been on released from prison on transitional control at the time of the commission of the felony **[OFFENSE/OFFENSES]** in this case, hereby orders the defendant to serve an additional **[PRISON TERM NOT TO EXCEED 12 MONTHS]** consecutively to any prison term imposed in this case.

[FINANCIAL SANCTIONS GENERALLY]

As noted below, pursuant to R.C. 2929.19(B)(5) the sentencing court must consider the defendant's ability to pay when imposing certain financial sanctions under R.C. 2929.18 or R.C. 2929.32. If necessary, the court may hold a hearing on the defendant's ability to pay under R.C. 2929.18(E). Those sanctions requiring an ability to pay consideration are noted below.

See the Supreme Court of Ohio's [Collection of Court Costs & Fines in Adult Court](#) for more information. Please note the language below can be further supplemented with payment schedules, apportionment, or other orders within the discretion of the Court.

Each jurisdiction retains the discretion to prioritize what order any financial sanctions, court costs, or fees are to be paid. Should the sentencing Court wish to do so, supplement the financial sanctions sections with that order of prioritization.

⁴¹- **[COURT COSTS AND FEES]**

The sentencing court is obligated under R.C. 2947.23 to impose the costs of prosecution and any jury fees, commonly referred to as court costs. The Court retains discretion and jurisdiction to waive, suspend, or modify payment of those costs and fees

under R.C. 2947.23(C). The Supreme Court held that there is no legislative requirement to consider a defendant's ability to pay when imposing the costs of prosecution and jury fees under R.C. 2947.23. See *State v. Taylor*, 161 Ohio St.3d 319, 2020-Ohio-3514. The decision to waive, modify, or suspend payment of those costs of prosecution may be made with consideration of the defendant's ability to pay, and as such that language has been included in the waiver option.

NOTE - The Court must consider the defendant's present and future ability to pay in imposing any other financial sanction under R.C. 2929.18 and any fine imposed pursuant to R.C. 2929.32. See R.C. 2929.19(B)(5).

Pursuant to the decision in *State v. Taylor*, Slip Opinion No. 2020-Ohio-6786, appointed counsel fees are civil in nature and not part of the criminal sentence imposed for the offense. The Court noted in its holding that best practice would be to impose this fee using a separate entry, or to include language indicating the fee is civil in nature. That language is provided below.

[COURT COSTS / FEES IMPOSED]

The Court orders that the defendant shall pay the cost of prosecution and any jury fees permitted pursuant to R.C. 2947.23, **[INCLUDING \$[AMOUNT] to [ENTITY]/AS DETERMINED BY THE CLERK OF COURTS]**.

[COMMUNITY SERVICE IN LIEU OF COSTS – FUTURE ORDER]

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 until the judgment is paid or until the Court is satisfied that the defendant is in compliance with the approved payment schedule.

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 of **[\$ AMOUNT NOT LESS THAN FEDERAL MINIMUM WAGE]** per hour of community service performed, and each hour of community service performed will reduce the judgment by that amount.

[COMMUNITY SERVICE IN LIEU OF COSTS – ORDER]

The Court orders that the defendant may perform **[AMOUNT NOT MORE THAN 40]** hours per month of community service until the judgment is paid or until the Court is satisfied that the defendant is in compliance with the approved payment schedule. The defendant will receive credit upon the judgment at a specified hourly credit rate of **[\$ AMOUNT NOT LESS THAN FEDERAL MINIMUM WAGE]** per hour of community service performed, and each hour of community service performed will reduce the judgment by that amount.

[COURT COSTS / FEES WAIVED]

Upon the record before the Court and any evidence presented, and having considered the defendant's present and future ability to pay, the Court orders that the costs of prosecution and any jury fees in this case shall be waived.

[APPOINTED COUNSEL FEES] (unless separate form used)

NOTE: In *State v. Taylor*, Slip Opinion No. 2020-Ohio-6786, decided December 22, 2020, the Ohio Supreme Court held that while it is best practice for the court to state its ability to pay findings on the record, the findings need not be explicitly made pursuant to statute when imposing appointed counsel fees. The Court further held that appointed counsel fees are not costs and should not be included as part of the defendant's sentence. Best practice would be to impose appointed counsel fees by separate entry, but the Court also opined that if fees are assessed in the sentencing entry it should be noted that they are a civil assessment. A separate entry is available as part of the USE "Good Civics" entry package. Use the following language if not imposing appointed counsel fees via a separate entry:

The Court finds pursuant to R.C. 2941.51(D) that the defendant is able to pay some or all of the costs the defendant's legal representation in this case and orders the defendant to pay **[\$[AMOUNT] to [ENTITY]**. Pursuant to the decision in *State v. Taylor*, Slip Opinion No. 2020-Ohio-6786 this fee is civil in nature and not

part of the criminal sentence imposed for the offense(s) in this case.

[COSTS OF SUPERVISION] R.C. 2929.18(A)(5)(a)(i) (requires ability to pay consideration)

Upon the record before the Court and any evidence presented, and having considered the defendant's present and future ability to pay, the Court finds pursuant to R.C. 2929.18 that the defendant is able to pay some or all of the costs of supervision in this case and orders the defendant:

To pay **[\$[AMOUNT]]** to **[ENTITY]**.

To pay **[\$[AMOUNT]]** to **[ENTITY]** on a monthly basis.

[CONFINEMENT COSTS] R.C. 2929.18(A)(5)(a)(ii) and (b) (requires ability to pay consideration)

Upon the record before the Court and any evidence presented, and having considered the defendant's present and future ability to pay, the Court finds pursuant to R.C. 2929.18 that the defendant is able to pay some or all of the costs of the defendant's confinement in this case and orders the defendant:

To pay **[\$[AMOUNT]]** to **[ENTITY]**.

To pay **[\$[AMOUNT]]** to **[ENTITY]** on a monthly basis.

[COSTS OF TRANSPORTATION]

This order to pay will include the cost of transporting the defendant to confinement.

[COSTS OF IMMOBILIZING / DISABLING DEVICE] R.C. 2929.18(A)(5)(a)(iii) (requires ability to pay consideration)

The Court finds that defendant has been convicted of an arson offense, and subsequently held a hearing to determine the amount of costs incurred in investigating and prosecuting the offense in this case pursuant to R.C. 2929.71. Upon the record of the Court and any evidence presented, the Court finds by a preponderance of the evidence that the following costs were incurred in the arson investigation in this case and that the offender has assets available for reimbursement purposes, and therefore orders that the defendant pay **[\$[AMOUNT]]** to **[ENTITY]**. *(repeat as necessary)*

To pay **[\$[AMOUNT]]** to **[ENTITY]**.

To pay **[\$[AMOUNT]]** to **[ENTITY]** on a monthly basis.

[REIMBURSEMENT FOR CONTROLLED SUBSTANCE TEST] R.C. 2925.511

The Court finds that defendant has been convicted of a drug abuse offense, and subsequently held a hearing to determine the amount of cost incurred in having tests conducted to confirm the presence of a controlled substance in this case pursuant to R.C. 2925.511. Upon the record of the Court and any evidence presented, the Court orders that the defendant pay **[\$[AMOUNT]]** to **[ENTITY]**.

[REIMBURSEMENT FOR ARSON INVESTIGATION COSTS] R.C. 2929.71 (requires ability to pay consideration)

The Court finds that defendant has been convicted of an arson offense, and subsequently held a hearing to determine the amount of costs incurred in investigating and prosecuting the offense in this case pursuant to R.C. 2929.71. Upon the record of the Court and any evidence presented, the Court finds by a preponderance of the evidence that the following costs were incurred in the arson investigation in this case and that the offender has assets available for reimbursement purposes, and therefore orders that the defendant pay **[\$[AMOUNT]]** to **[ENTITY]**. *(repeat as necessary)*

⁴²- **[RESTITUTION]**

A victim is entitled to restitution under Ohio Constitution, Article I, Section 10a(7). Courts may order this restitution as part of the sentence in a case. **If restitution is contested by the defendant or victim, the Court must hold a hearing on the matter** pursuant to R.C. 2929.18(A)(1). Once the court has determined the amount of restitution, if any, by a preponderance of the evidence use the following language to memorialize the order

in the entry. Please note the language below can be further supplemented with payment schedules, apportionment, or other orders within the discretion of the Court. When legislative enactment of the provisions of Article I, Section 10a takes place, this language and instruction will be updated to reflect any changes to the restitution statutes.

The Court must consider the defendant's present and future ability to pay in making a restitution order pursuant to R.C. 2929.19(B)(5). Courts should conform to the holdings in local appellate districts as to the scope of that consideration and the necessary record in the entry.

() **[RESTITUTION ORDERED]**

[BY STIPULATION OF THE PARTIES / HAVING HELD A RESTITUTION HEARING PURSUANT TO R.C. 2929.18] and having considered the defendant's present and future ability to pay, the defendant is ordered to make restitution in the amount of \$[AMOUNT] to [ENTITY]. (repeat as necessary) [IF HEARING IS NECESSARY, COURT SHOULD DETAIL EVIDENCE CONSIDERED AND FINDINGS MADE]

This order of restitution by the Court can be converted to a civil judgment and collected by the victim through a civil action.

() **[RESTITUTION ORDERED – Prison Imposed]**

[BY STIPULATION OF THE PARTIES / HAVING HELD A RESTITUTION HEARING PURSUANT TO R.C. 2929.18] and having considered the defendant's present and future ability to pay, the defendant is ordered to make restitution in the amount of \$[AMOUNT] to [ENTITY]. (repeat as necessary) [IF HEARING IS NECESSARY, COURT SHOULD DETAIL EVIDENCE CONSIDERED AND FINDINGS MADE]

It is further ordered that the payment of restitution will be monitored by the Adult Parole Authority and that all payments of restitution shall be made to the Clerk of Courts on behalf of the victim. The Clerk of Courts is further ordered to disburse any restitution collected to the victim. This order of restitution is a Judgment in favor of the victim and against the defendant. Said victim, pursuant to this Judgment, may bring any action to collect said debt as provided for in R.C. 2929.18(D), and/or may accept payment pursuant to a payment schedule that will be determined and monitored by the Adult Parole Authority.

() **[RESTITUTION NOT ORDERED]**

Having held a restitution hearing pursuant to R.C. 2929.18 and having considered the defendant's present and future ability to pay, the Court does not order restitution as to Count **[NUMBER]**, due to the following: **[DETAIL EVIDENCE CONSIDERED AND FINDINGS MADE] (repeat as necessary)**

⁴³- [FINES]

Columns are provided for fines to be imposed in both the prison imposed and community control charts above. If any fine is imposed, the court must assess the defendant's present and future ability to pay pursuant to R.C. 2929.19(B)(5) and note that consideration in the entry with the language below. Please note the language below can be further supplemented with payment schedules, apportionment, or other orders within the discretion of the Court.

() **[FINES ORDERED]**

Upon the record before the Court and any evidence presented, and having considered the defendant's present and future ability to pay, the Court finds that the defendant is able to pay a fine, and imposes a fine as listed below.

COUNT	MANDATORY FINE	AMOUNT OF FINE IMPOSED	FINE WAIVED Y/N
-------	----------------	------------------------	-----------------

	(<input type="checkbox"/>)		
	(<input type="checkbox"/>)		

Language regarding any affidavit of indigency is included in this section. This language may be re-used or referenced with regard to other financial sanctions. Note the filing of an affidavit in the entry for the record if one is filed.

() **[FINES NOT ORDERED / WAIVED]**

() **[AFFIDAVIT OF INDIGENCY]**

The defendant has filed an affidavit of indigency with the court.

() **[INABILITY TO PAY] (repeat as necessary if specific count chosen)**

Upon the record before the Court and any evidence presented, and having considered the defendant's present and future ability to pay, the Court finds that the defendant is indigent or otherwise is unable to pay and orders that the fine(s) **[ON COUNT #] / [IN THIS CASE]** be waived.

() **[FINES NOT ORDERED] (repeat as necessary if specific count chosen)**

Upon the record before the Court and any evidence presented, and having considered the defendant's present and future ability to pay, the Court will not order a fine **[ON COUNT #] / [IN THIS CASE]**.

NOTE: Community service may be ordered toward credit for payment of fines in felony cases under R.C. 2951.02(B) if the defendant requests the opportunity and the court finds the defendant financially unable to pay the fines. See that section for the requirements if the defendant requests this option and include the language regarding community service from the Costs & Fees instruction above.

⁴⁴- **[OTHER FINANCIAL SANCTIONS]**

Language for use in ordering financial sanctions not covered above. Courts must notify the parties and hold a hearing if the amount is not agreed to, and consider the defendant's ability to pay before ordering the sanction.

() **[OTHER FINANCIAL SANCTIONS]**

[BY AGREEMENT OF THE PARTIES / BY ORDER OF THE COURT] and having considered the defendant's present and future ability to pay, the defendant is ordered to pay a financial sanction in the amount of **\$(AMOUNT)** to **[ENTITY]**. **(REPEAT AS NECESSARY)**

[IF HEARING IS NECESSARY, COURT SHOULD DETAIL EVIDENCE CONSIDERED AND FINDINGS MADE]

⁴⁵- **[LICENSE SUSPENSION / POINTS ASSESSED]**

Where a license suspension is imposed, note that suspension for the record. Courts wishing to indicate in the sentencing entry the number of points being assessed for a given offense may also do so with the language below.

Note that R.C. 4510.36(B) requires the sentencing court to report this information to the Ohio Bureau of Motor Vehicles via a separate form. A copy of that form can be found here: [Ohio BMV Report of Convictions](#). A list of violations subject to BMV reporting is hosted at the Ohio BMV website here: [Ohio Revised Code Offense &](#)

[Conviction Code List.](#)

The defendant's driver's license **will** be suspended for a period of **[TERM]** beginning on **[DATE]**. This is a **[CLASS _____/UNCLASSIFIED]** suspension. The Clerk is ordered to report this information to the Bureau of Motor Vehicles.

[POINTS ON LICENSE] (REPEAT AS NECESSARY)

As a result of the conviction in **[COUNT NUMBER]** the defendant **will** have **[NUMBER OF POINTS]** assessed against the defendant's driver's license.

[LICENSE NOT BEING SUSPENDED]

The Court **will not** impose a driver's license suspension in this case.

46- [FORFEITURE]

Forfeiture specifications found in the disposition chart should be disposed of here, as well as forfeitures which are agreed upon by the parties.

Where property other than contraband or proceeds obtained from the offense are subject to a forfeiture specification, the Court must decide of the proportionality of the forfeiture under R.C. 2981.09 under a clear and convincing evidence standard.

[FORFEITURE] (REPEAT AS NECESSARY)

Pursuant to the **[R.C. 2941.1417(A) SPECIFICATION(S) /AGREEMENT OF THE PARTIES]** the defendant shall forfeit interest in **[PROPERTY]** to **[ENTITY]** to be disposed of pursuant to R.C. 2981.12.

[NON-CONTRABAND PROPERTY]

[NON-CONTRABAND/PROCEEDS – FORFEITURE PROPORTIONATE]

The Court finds that, pursuant to R.C. 2981.09, the forfeiture of **[PROPERTY]** is/are proportionate to the offense(s) committed.

[NON-CONTRABAND / PROCEEDS – FORFEITURE NOT PROPORTIONATE]

The Court finds that, pursuant to R.C. 2981.09, the of **[PROPERTY]** is/are not proportionate to the offense(s) committed, and the property will not be subject to forfeiture.

47- [PROPERTY DISPOSITION]

Disposition of property other than contraband or property subject to forfeiture should be limited to agreement of the parties. Courts should insert the agreed-upon language here.

48- [BOND]

Courts may need to use the court's own language for non-standard bond orders, such as returning posted property to owner.

[BOND]

The defendant's bond is ordered **[RELEASED / TERMINATED / CONTINUED / FORFEITED / FREE TEXT ENTRY]**.

49- [DISMISSED COUNTS / SPECIFICATIONS]

Where counts and/or specifications are not otherwise disposed of at the time of the plea, note any dismissed counts and/or specifications for the record in the sentencing entry. Note that any dismissal by the court pursuant to Crim.R.48 requires that the court state its findings and reasons for the dismissal on the record. Optional language for those findings is provided below.

() [DISMISSED COUNTS]

The court hereby dismisses Count(s) [NUMBER(S)] [PURSUANT TO THE PLEA / BY AGREEMENT OF THE PARTIES / AT THE STATE'S REQUEST / BY ORDER OF THE COURT PURSUANT TO CRIMINAL RULE 29 / BY ORDER OF THE COURT PURSUANT TO RULE 48].

() [DISMISSED SPECIFICATIONS]

The court hereby dismisses Specification [NUMBER] to Count [NUMBER] [PURSUANT TO THE PLEA / BY AGREEMENT OF THE PARTIES / AT THE STATE'S REQUEST / BY ORDER OF THE COURT PURSUANT TO CRIMINAL RULE 29 / BY ORDER OF THE COURT PURSUANT TO RULE 48]. (REPEAT AS NECESSARY)

() [CRIM.R.48 DISMISSAL FINDINGS]

Count(s) [NUMBER(S)] are being dismissed [STATE FINDINGS OF FACT AND REASONS FOR DISMISSAL].

⁵⁰- [REMAND / CONVEY]

Language for courts who do not prepare a separate conveyance entry.

() [REMAND / CONVEY]

The defendant is remanded to the custody of [ENTITY] to await transport to [FACILITY]. The Clerk of Courts shall issue a warrant directed to the Sheriff of [NAME] County, Ohio, to convey the said Defendant to the custody of [LOCAL FACILITY / THE OHIO DEPARTMENT OF REHABILITATION AND CORRECTION].

⁵¹- [JAIL TIME CREDIT]

Courts must award credit for time served awaiting trial while being held for the case in question. If the case is being terminated for time served, indicate so in this section.

Recently the Department of Rehabilitation and Correction has announced its intention to amend Ohio Adm.Code 5120-2-04 addressing how confinement credit will be applied towards a sentence to reflect the changes in 2019 Am.Sub.S.B. No. 201 and the Ohio Supreme Court decisions in *State ex rel. Fraley v. Ohio Dep't of Rehab. & Corr.*, 161 Ohio St.3d 209, 2020-Ohio-4410 and *State v. Henderson*, 161 Ohio St.3d 285, 2020-Ohio-4784. The onus will be on the sentencing court to calculate appropriate jail time credit. Courts must ensure that this calculation does not include any days that the defendant spent in DRC custody on other offenses pursuant to R.C. 2929.19(B)(2)(g)(i).

DRC will also assume that the jail time credit on consecutive sentences has not been duplicated, so courts must also take care to ensure entries on cases run consecutively reflect where the jail credit is to be assigned, so as to avoid double counting. Best practice is for courts to track jail time credit internally to ensure proper credit is applied.

Finally, DRC will be instructing all inmates who claim errors in jail time credit to file motions in the sentencing court to seek redress.

ALSO NOTE: The September 2020 Ohio Supreme Court decision in *State v. Reed*, 162 Ohio St.3d 554, 2020-Ohio-4255 held that a defendant is not entitled to jail time credit for postconviction house arrest or electronic home monitoring."

Use the following language for jail time credit:

() [STIPULATION]

The parties have stipulated to [NUMBER] days of jail time credit on [COUNT(S) # / CASE]. (REPEAT AS NECESSARY)

[JAIL TIME CREDIT] (MANDATORY REGARDLESS OF WHETHER THE STIPULATION BOX IS CHECKED)

The Court orders the defendant be granted **[NUMBER]** days of jail time credit on **[COUNT(S) # / CASE]** up to and including date of sentencing and excluding conveyance time. **(REPEAT AS NECESSARY)**

52- [REGISTRATION OFFENSES]

Use the following language with regard to any registration offenses for which the defendant was convicted. This is in addition to the necessary notification forms provided by BCI or the Ohio Attorney General's Office.

[SEX OFFENDER]

The Court finds pursuant to R.C. 2950.01 that as a result of these convictions the defendant is a Tier **[NUMBER]** Sex Offender and has been given written and oral notice of responsibilities to register as a Sex Offender pursuant to R.C. 2950.04.

The Court explained from the written notice of registration duties that the defendant will be required to register in person with the sheriff of the county in which the defendant establishes residency within three days of coming into that county. The defendant will also be required to register in person with the sheriff of the county in which they establish a place of education or employment immediately upon coming into that county. If the defendant establishes a place of education or place of employment in another state but maintains a residence in Ohio, the defendant will also be required to register in person with the sheriff or other appropriate official in that other state immediately upon coming into that state. The defendant will also be prohibited under R.C. 2950.034(A) from residing within 1,000 feet of any school, preschool, or child day care center.

The defendant was also informed that they must provide notice of the defendant's intent to establish residence, employment, or education to the sheriff in that county at least 20 days prior to the change and within 3 days of changing employment, and are required to report any international travel to the sheriff no less than twenty-one days prior to travel. Written notice must be provided in person, within 3 days of any change in vehicle information, email addresses, internet identifiers or telephone numbers registered to or used by the defendant to the sheriff with whom the defendant has most recently registered. As a result of this conviction, the defendant will be classified as a:

[TIER I SEX OFFENDER]

And will be required to comply with these requirements and address verification in person every twelve months for a period of fifteen years.

[TIER II SEX OFFENDER]

and will be required to comply with these requirements and address verification in person every one-hundred and eighty days for a period of twenty-five years.

[TIER III SEX OFFENDER]

and will be required to comply with these requirements and address verification in person every ninety days for life. There will also be notification to the victim and the community whenever the defendant registers or changes address.

The defendant was also informed that failure to comply with these registration duties may result in criminal prosecution.

[CHILD VICTIM ORIENTED OFFENDER] (may be combined with sex offender)

The Court finds pursuant to R.C. 2950.01 that as a result of these convictions the defendant is a Tier **[NUMBER]** Child Victim Offender and has been given written and oral notice of responsibilities to register as a Child Victim Offender pursuant to R.C. 2950.04.

The Court explained from the written notice of registration duties that the defendant will be required to register in person with the sheriff of the county in which residency is established within three days of coming into that county. The defendant will also be required to register in person with the sheriff of the county in which a place of education or employment is established immediately upon coming into that county. If the defendant establishes a place of education or place of employment in another state but maintain a residence in Ohio, the defendant will also be required to register in person with the sheriff or other appropriate official in that other state immediately upon coming into that state. The defendant will also be prohibited under R.C. 2950.034(A) from residing within 1,000 feet of any school, preschool, or child day care center.

The defendant must also provide notice of intent to establish residence, employment, or education to the sheriff in that county at least 20 days prior to the change and within 3 days of changing employment, and the defendant is required to report any international travel to the sheriff no less than twenty-one days prior to travel. The defendant must also provide written notice in person, within 3 days of any change in vehicle information, email addresses, internet identifiers or telephone numbers registered to or used by the defendant to the sheriff with whom they have most recently registered. As a result of this conviction, the defendant will be classified as a:

() **[TIER I CHILD VICTIM OFFENDER]**

And will be required to comply with these requirements and address verification in person every twelve months for a period of fifteen years.

() **[TIER II CHILD VICTIM OFFENDER]**

and will be required to comply with these requirements and address verification in person every one-hundred and eighty days for a period of twenty-five years.

() **[TIER III CHILD VICTIM OFFENDER]**

and will be required to comply with these requirements and address verification in person every ninety days for life. There will also be notification to the victim and the community whenever the defendant registers or changes address.

The defendant was also informed that failure to comply with these registration duties may result in criminal prosecution.

() **[COMMUNITY NOTIFICATION]**

NOTE: A limited number of appellate courts have held that the defendant must be informed of the community notification provisions under the defendant's registration status on the record and in the sentencing entry. If this is the case in your jurisdiction, supplement this language with acknowledgment of the notification.

() **[COMMUNITY NOTIFICATION ORDERED]**

The Court finds pursuant to R.C. 2950.11(F)(1) that as the defendant is a Tier III Sex Offender/Child Victim Oriented offender, the defendant shall be subject to community notification provisions as a part of the defendant's registration duties.

() **[COMMUNITY NOTIFICATION NOT ORDERED]**

The Court finds, after consideration of the factors set forth in R.C. 2950.11(F)(2) that the defendant would not have been subject to the community notification provisions as they existed prior to January 1, 2008, and as such is not subject to community notification as part of the defendant's registration duties.

() **[ARSON OFFENDER]**

The Court finds pursuant to R.C. 2909.14 that as a result of these convictions the defendant is an arson offender, and the defendant was given a written and oral notice of duties to register as an Arson Offender per

() **[VIOLENT OFFENDER DATABASE]**

NOTE: Defendant's convicted of offenses qualifying them for the Violent Offender Database must be informed of the defendant's rights to contest the imposition of enrollment duties **prior** to the sentencing hearing. For further information, see the Sentencing Commission's [Violent Offender Database Guide](#).

() **[PRINCIPAL OFFENDER – STIPULATION]**

The parties having stipulated that the offender was the principal offender in a qualifying offense, the Court finds pursuant to R.C. 2903.41 that the offender was the principal offender and is a Violent Offender subject to a duty to enroll in the Violent Offender Database upon release. The defendant has been given written and oral notice of enrollment duties as a Violent Offender pursuant to R.C. 2903.42(C).

() **[PRINCIPAL OFFENDER – COURT FINDING]**

The Court finds pursuant to R.C. 2903.41 that the offender was the principal offender in a qualifying offense and is a Violent Offender subject to a duty to enroll in the Violent Offender Database upon release. The defendant has been given written and oral notice of enrollment duties as a Violent Offender pursuant to R.C. 2903.42(C).

() **[NOT PRINCIPAL OFFENDER STIPULATION – COURT FINDS OFFENDER MUST ENROLL]**

The parties have stipulated that the offender was not the principal offender in a qualifying offense for the Violent Offender database, and the Court has found the same. However, after consideration of all the factors in RC 2903.42(A)(4)(a)(i-iv), the Court finds that the offender was convicted of a qualifying offense and is a Violent Offender subject to a duty to enroll in the Violent Offender Database upon release. The defendant has been given written and oral notice of enrollment duties as a Violent Offender pursuant to R.C. 2903.42(C).

() **[NOT PRINCIPAL OFFENDER – COURT FINDS OFFENDER MUST ENROLL]**

After a hearing conducted pursuant to R.C. 2903.42(A)(4)(a) the defendant has proven by a preponderance of the evidence that the defendant was not the principal offender in the Violent Offender Database qualifying offense. After consideration of all the factors in RC 2903.42(A)(4)(a)(i-iv), the Court finds that the offender was convicted of a qualifying offense and is a Violent Offender subject to a duty to enroll in the Violent Offender Database upon release. The defendant has been given written and oral notice of enrollment duties as a Violent Offender pursuant to R.C. 2903.42(C).

() **[NOT PRINCIPAL OFFENDER – COURT FINDS OFFENDER NEED NOT ENROLL]**

After a hearing conducted pursuant to R.C. 2903.42(A)(4)(a) the defendant has proven by a preponderance of the evidence that the defendant was not the principal offender in the Violent Offender Database qualifying offense. After consideration of all the factors in RC 2903.42(A)(4)(a)(i-iv), the Court finds that the presumption of enrollment has been rebutted and that the defendant is NOT subject to a duty to enroll in the Violent Offender Database upon the defendant's release.

⁵³- **[DNA COLLECTION]**

Defendants who commit a felony offense [as well as certain misdemeanor offenses](#), must submit a DNA sample for inclusion in the Combined DNA Index System (CODIS) if that sample was not collected at the time of arrest, arraignment, or first appearance. At sentencing, courts must order such defendants to report to the sheriff or chief of police in the defendant's jurisdiction and to submit to the DNA collection process. The sample is then forwarded to the Bureau of Criminal Investigation and Identification by law enforcement.

() **[DNA COLLECTION]**

If the defendant has not yet submitted a DNA sample as required by [R.C. 2901.07](#), the defendant is ordered to report to **[ENTITY]** to provide that sample within twenty-four hours.

54- [FINGERPRINTING]

Pursuant to [R.C. 2301.10](#) and [R.C. 109.60](#), if not done at arrest, arraignment, or first appearance the defendant must be ordered by the court at sentencing to be fingerprinted by the sheriff or chief of police in the defendant's jurisdiction.

Those fingerprints are then forwarded to the Bureau of Criminal Investigation and Identification by law enforcement. See the [Supreme Court of Ohio's guidance](#) on this issue for additional information.

() **[FINGERPRINTING]**

If the defendant has not yet been fingerprinted in this case as required by [R.C. 2301.10](#), the defendant is ordered to report to **[ENTITY]** to be fingerprinted within twenty-four hours.

55- [BCI / LEADS / NICS REPORTING]

Courts must report criminal case disposition and several other types of information to the Bureau of Criminal Investigation (BCI) and/or the Ohio Law Enforcement Automated Data System (LEADS). Data submitted through these reports is then included in various law enforcement and public information databases including in the National Instant Criminal Background Check System (NICS). Responsibilities for such reporting are shared between local courts and clerk's offices.

See the [Supreme Court of Ohio's guidance](#) on required reporting. The following types of data must be reported:

- Final disposition of criminal cases.
- Orders for mental health evaluation or treatment for offenses of violence [R.C. 2929.44 and Sup. R. 95]
- Not Guilty by Reason of Insanity (NGRI) or incompetency findings, and orders for conditional release of such defendants [R.C. 2945.402 and Sup. R. 95].
- Sex/Child Victim Offender registration, Arson Offender registration, and/or Violent Offender Database enrollment.
- Court orders granting relief from a firearm disability.
- Court orders a modifying or vacating of a sentence.
- Orders sealing or expunging criminal convictions.
- Charges not being filed as shared by the Prosecuting Attorney.
- Protection orders issued by the court pursuant [Sup.R. 10](#) in conjunction with the Clerk of Court.
- Capias/Warrants issued in conjunction with the Clerk of Courts and local law enforcement pursuant to [Crim.R. 9\(A\)](#).

() **[BCI / LEADS / NICS REPORTING]**

All necessary information regarding the final disposition and orders made in this case will be reported to the Ohio Bureau of Criminal Investigation and Identification and/or the Law Enforcement Automated Data System. **[COURT MAY DETAIL SPECIFIC ITEMS BEING REPORTED]**.

56- [CIVIL RIGHTS / FIREARM DISABILITIES]

Optional language regarding loss of certain civil rights and firearm disabilities to be inserted at the judge's discretion.

() **[CIVIL RIGHTS / FIREARM DISABILITIES]**

() **[CIVIL RIGHTS LOST]**

Defendant is informed that incarceration for a felony renders them incompetent to serve as a juror or

to hold an office of honor, trust or profit, and the defendant will be unable to vote during incarceration for a felony offense pursuant to R.C. 2961.01, and the defendant will need to re-register to vote with the local board of elections upon release.

() **[POSITIONS OF PUBLIC TRUST – CRIMES OF MORAL TURPITUDE]**

Pursuant to R.C. 2961.02 conviction for a felony theft offense or offense that involves fraud, deceit or theft disqualifies the defendant from holding public office, a position of public employment or serving as a volunteer with a state agency, political subdivision or certain private entities.

() **[STATE FIREARM DISABILITY – FELONY OFFENSE OF VIOLENCE OR DRUG OFFENSE]**

Defendant was informed of the defendant’s disability to own or possess a firearm based on the conviction for a felony offense of violence or a felony drug offense pursuant to R.C. 2923.14.

() **[FEDERAL FIREARM DISABILITY – FELONY OFFENSES]**

The Court informed the Defendant that under federal law, a person convicted of a felony cannot lawfully possess a firearm pursuant to 18 U.S.C. 922(g)(1).

57 - [APPEAL RIGHTS]

Note that Crim.R. 32 requires notification of appellate rights upon conviction for “a serious offense.” Best practice is to notify defendant of appellate rights in every felony case. While some defendants may waive the right to appeal pursuant to the plea agreement, several members of the Ad Hoc Committee report a significant number of appeals being heard after pleas under R.C. 2953.08.

Additional information on the standards and guidance for appointed counsel reimbursement can be found in the [Office of the Ohio Public Defender Standards and Guidelines](#) (revised September 2021) and information on the required qualifications for appointed counsel by case type can be found on the [Ohio Public Defender’s website](#) and in [OAC 120-1- 10](#).

The defendant was notified of rights to appeal per Crim.R. 32 as well as the defendant’s right to have counsel appointed for them and a transcript of all proceedings provided to them at no cost if the defendant is determined to be indigent and unable to afford counsel.

() **[APPELLATE COUNSEL TO BE APPOINTED – SEPARATE ENTRY]**

The defendant having indicated the defendant’s desire to appeal this case, the Court will appoint counsel to represent the defendant on appeal.

() **[APPELLATE COUNSEL APPOINTED]**

The defendant having indicated the defendant’s desire to appeal this case, the Court hereby appoints **[NAME]** to represent the defendant on appeal.

58 - [STAY OF EXECUTION / APPELLATE BOND]

Courts may grant a stay of the execution of a criminal sentence for a bailable offense pending an appeal of the conviction or sentence pursuant to R.C. 2949.02 and Ohio App.R.8. The defendant must give the court written notice of intent to file an appeal or to apply for leave to file an appeal. Execution of the sentence would then be suspended for a fixed amount of time set by the judge, who may also release the defendant on bail provided that the conviction is not for an offense prohibited by R.C. 2949.02(B). Note the special restrictions on stays for appeals to the Supreme Court of Ohio and in capital cases in R.C. 2953.09.

() **[STAY OF EXECUTION OF SENTENCE DENIED]**

The Court hereby denies the defendant’s request for stay of execution of the sentence in this case.

() **[STAY OF EXECUTION OF SENTENCE GRANTED]**

Having received written notice of the defendant's intent to file an appeal or to apply for leave to appeal the defendant's convictions, the Court hereby grants a stay of execution of the sentence in this case for a period of **[LENGTH OF TIME]**. The defendant is ordered to appeal without delay and to abide by the following conditions:

() **[BOND CONTINUED]**

Pursuant to R.C. 2937.011(G), the current bond imposed on the defendant is continued pending disposition of the appeal.

() **[APPELLATE BOND GRANTED]**

The Court hereby imposes the following bond and conditions for the defendant's release pending disposition of the appeal **[DETAIL BOND AND CONDITIONS]**.

() **[APPELLATE BOND DENIED]**

The Court hereby denies the defendant any release on bond pending the disposition of the appeal.

() **[PROHIBITED OFFENSE]**

The Court finds that bond pending appeal is prohibited as one of the convictions in question is subject to life imprisonment or is otherwise prohibited pursuant to R.C. 2949.02(B).