

**IN THE COURT OF COMMON PLEAS, FRANKLIN COUNTY, OHIO
CRIMINAL DIVISION**

State Of Ohio,	:	
	:	
Plaintiff,	:	TERMINATION NO. 12
	:	
vs.	:	Case No. 19CR 4589
	:	
Michael G. Davis	:	Judge Held Phipps, Karen
	:	
Defendant.	:	

JUDGMENT ENTRY
(Prison Imposed)

On January 30, 2020, the State of Ohio was represented by Assistant Prosecuting Attorney Kara Keating and the Defendant was represented by Attorney Terry Sherman. The Defendant, after being advised of his rights pursuant to Crim. R. 11, entered a plea of guilty as to **Counts One, Two and Three** of the Indictment, to wit: **Pandering Sexually Oriented Matter Involving a Minor**, all violations of Section 2907.322 of the Ohio Revised Code, and Felonies of the Second degree and guilty as to **Count Four** of the Indictment, to wit: **Pandering Sexually Oriented Matter Involving a Minor**, a violation of Section 2907.322 of the Ohio Revised Code, a Felony of the Fourth degree.

In addition, at the time of the plea the Court notified the Defendant that by entering into this plea the Defendant will be a sexual offender and classified pursuant to S.B. 10 as a Tier II with registration duties to last twenty-five (25) years; in person verification is required at the county sheriff's office every 180 days.

The Court found the Defendant guilty of the charges to which the plea was entered.

The Court ordered and received a pre-sentence investigation.

On May 28, 2020, a sentencing hearing was held pursuant to R.C. 2929.19. The State of Ohio was represented by Assistant Prosecuting Attorney Kara Keating and the Defendant was represented by Attorney Terry Sherman. The Assistant Prosecuting Attorney and the Defendant's attorney did not recommend a sentence.

The Court afforded counsel an opportunity to speak on behalf of the Defendant and addressed the Defendant personally affording Defendant an opportunity to make a statement on Defendant's own behalf in the form of mitigation and to present information regarding the existence or non-existence of the factors the Court has considered and weighed.

The Court has considered the purposes and principles of sentencing set forth in R.C. 2929.11 and the facts set forth in R.C. 2929.12. In addition, the Court has weighed the factors as set forth in the applicable provisions of R.C. 2929.13 and R.C. 2929.14. The Court further finds that a prison term is not mandatory pursuant to R.C. 2929.13(F).

The Court hereby imposes the following sentence: **Four (4) years as to Count One; Four (4) years as to Count Two; Indeterminate sentence of a minimum of Four (4) years with the potential maximum of up to Six (6) years as to Count Three; and One (1) year as to Count Four to be served at the Ohio Department of Rehabilitation and Correction. All counts to be served concurrently with each other.**

The Court notified the Defendant that pursuant to R.C. 2929.19 (B)(2)(c), it is rebuttably presumed that the Defendant will be released from service of the sentence on the expiration of the minimum prison term imposed; and that the Ohio Department of Rehabilitation and Correction may rebut the presumption if it makes specified determinations at a hearing pursuant to 2967.271, and may then maintain the Defendant's incarceration after the expiration of the minimum prison term up to the maximum term.

After imposing sentence, the Court stated its reasons as required by R.C. 2929.19. The Court finds that prison is consistent with the purposes and principles of sentencing, and that the Defendant is not amenable to community control.

The Court notified the Defendant, orally and in writing, the applicable period of post-release control pursuant to R.C. 2929.19(B)(2)(c), (d) and (e) is **Five (5) years mandatory**. The Defendant is ordered to serve as part of this sentence any term of post-release control imposed by the Parole Board, and any prison term for violation of that post-release control.

If the Defendant violates the conditions of supervision while under post-release control, the Adult Parole Authority can return the Defendant to prison for up to Nine (9) months for each violation and for a maximum additional period of incarceration of up to ½ of the minimum prison term originally imposed upon the Defendant as part of the Defendant's stated non-life felony indefinite prison term, even though the Defendant has already served the entire stated prison term imposed by this Court. If the violation of post-release control is a new felony conviction, the sentencing judge handling the new case can impose sanctions for the new felony, can terminate Defendant's post-release control, and in addition to any prison term imposed for the new felony can impose for the post-release control violation a consecutive prison term of one year or whatever time remains on Defendant's post-release control, whichever is greater.

The Court, having considered the Defendant's present and future ability to pay a fine and financial sanctions, and, pursuant to R.C. 2929.18, hereby renders judgment for the following fine and/or financial sanctions: **No fine imposed. Defendant shall pay court costs in an amount to be determined.**

The Court finds that the Defendant has **Two (2) days** of jail credit and hereby certifies the time to the Ohio Department of Corrections and the Franklin County Corrections Center. The Defendant is to receive jail time credit for all additional jail time served while awaiting transportation to the institution from the date of the imposition of this sentence.



Held Phipps, Karen, JUDGE

Copies to:

Prosecuting Attorney: Kara Keating

Counsel for Defendant: Terry Sherman

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Court Disposition

Case Number: 19CR004589

Case Style: STATE OF OHIO -VS- MICHAEL G DAVIS

Case Terminated: 12 - Guilty or No Contest Plea to Original Charge

Final Appealable Order: No