



IN THE COURT OF COMMON PLEAS COUNTY OF SUMMIT



THE STATE OF OHIO

Case No. CR-2026-02-0534

vs.

SPENCER A. KEARNEY

JOURNAL ENTRY

On July 29, 2026, now comes the Assistant Prosecuting Attorney, Caitlyn Weyer, on behalf of the State of Ohio, the Defendant, appeared before the Court in person from the Summit County Jail with counsel, John W. Greven, for sentencing pursuant to O.R.C. 2929.19.

On June 10, 2026, the Defendant was afforded all rights pursuant to Crim. R. 11, and changed the formerly entered plea of NOT GUILTY, and entered a plea of GUILTY to:

- Count 1, ILLEGAL USE OF MINOR OR IMPAIRED PERSON IN NUDITY-ORIENTED MATERIAL OR PERFORMANCE, Ohio Revised Code 2907.323(A)(1), 2907.323(B), a felony of the second (2nd) degree;
- Count 2, ILLEGAL USE OF MINOR OR IMPAIRED PERSON IN NUDITY-ORIENTED MATERIAL OR PERFORMANCE, Ohio Revised Code 2907.323(A)(1), 2907.323(B), a felony of the second (2nd) degree;
- Count 7, PANDERING SEXUALLY-ORIENTED MATTER INVOLVING A MINOR OR IMPAIRED PERSON, Ohio Revised Code 2907.322(A)(1), 2907.322(C), a felony of the second (2nd) degree;
- Count 8, PANDERING SEXUALLY-ORIENTED MATTER INVOLVING A MINOR OR IMPAIRED PERSON, Ohio Revised Code, 2907.322(A)(1), 2907.322(C)-F2 a felony of the second (2nd) degree.

Said plea, which was knowingly and voluntarily entered, was accepted by the Court, and the Court found the Defendant guilty of the above offense(s).

The Court further granted the State's motion and dismissed the remaining charge(s) of:

- Count 3, ILLEGAL USE OF MINOR OR IMPAIRED PERSON IN NUDITY-ORIENTED MATERIAL OR PERFORMANCE, Ohio Revised Code, 2907.323(A)(1), 2907.323(B) a felony of the second (2nd) degree;
- Count 4, ILLEGAL USE OF MINOR OR IMPAIRED PERSON IN NUDITY-ORIENTED MATERIAL OR PERFORMANCE, Ohio Revised Code, 2907.323(A)(1), 2907.323(B) a felony of the second (2nd) degree;



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- Count 5, ILLEGAL USE OF MINOR OR IMPAIRED PERSON IN NUDITY-ORIENTED MATERIAL OR PERFORMANCE, Ohio Revised Code, 2907.323(A)(1), 2907.323(B) a felony of the second (2nd) degree;
- Count 6, ILLEGAL USE OF MINOR OR IMPAIRED PERSON IN NUDITY-ORIENTED MATERIAL OR PERFORMANCE, Ohio Revised Code, 2907.323(A)(1), 2907.323(B) a felony of the second (2nd) degree;
- Count 9, ILLEGAL USE OF MINOR OR IMPAIRED PERSON IN NUDITY-ORIENTED MATERIAL OR PERFORMANCE, Ohio Revised Code, 2907.323(A)(1), 2907.323(B) a felony of the second (2nd) degree;
- Count 10, ILLEGAL USE OF MINOR OR IMPAIRED PERSON IN NUDITY-ORIENTED MATERIAL OR PERFORMANCE, Ohio Revised Code, 2907.323(A)(1), 2907.323(B) a felony of the second (2nd) degree.

The Defendant was afforded all rights pursuant to Crim. R. 32. The Court has considered the record, statements of counsel, as well as the principles and purposes of sentencing under O.R.C. 2929.11, and the seriousness and recidivism factors under O.R.C. 2929.12.

Because the offenses contained in the indictment in this case are qualified offenses pursuant to Ohio Revised Code 2929.144(C) and S.B. 201, the Court further advised the Defendant, in open court on the record, of the potential minimum and aggregate maximum terms which could be imposed; that there is a rebuttable presumption the Defendant shall be released from service of the sentence at the expiration of the minimum term, or presumptive early release date, whichever is earlier; the possibility that the DRC may rebut the presumption for release at the time of expiration of the minimum term, after hearing, should certain determinations be made; the post-release control provision that are applicable to this Defendant regarding imposition of a new, indefinite term for violation of post-release control.

Thereupon, the Court inquired whether the Defendant had anything to say why judgment should not be pronounced; and having nothing but what had already been said and showing no good and sufficient cause why judgment should not be pronounced:



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IT IS THEREFORE ORDERED AND ADJUDGED BY THIS COURT that the Defendant be committed to the OHIO DEPARTMENT OF REHABILITATION AND CORRECTIONS for:

- Count 1 - For an indefinite term of a minimum of NOT LESS THAN 3 years and a maximum of NOT MORE THAN 4 ½ years, which is not a mandatory term pursuant to O.R.C. 2929.13(F), 2929.14(D)(3), or 2925.01, for punishment of the crime of ILLEGAL USE OF MINOR OR IMPAIRED PERSON IN NUDITY-ORIENTED MATERIAL OR PERFORMANCE, Ohio Revised Code, 2907.323(A)(1), 2907.323(B), a felony of the second (2nd) degree.
- Count 2 - For an indefinite term of a minimum of NOT LESS THAN 3 years and a maximum of NOT MORE THAN 4 ½ years, which is not a mandatory term pursuant to O.R.C. 2929.13(F), 2929.14(D)(3), or 2925.01, for punishment of the crime of ILLEGAL USE OF MINOR OR IMPAIRED PERSON IN NUDITY-ORIENTED MATERIAL OR PERFORMANCE, Ohio Revised Code, 2907.323(A)(1), 2907.323(B), a felony of the second (2nd) degree.
- Count 7 - For an indefinite term of a minimum of NOT LESS THAN 3 years and a maximum of NOT MORE THAN 4 ½ years, which is not a mandatory term pursuant to O.R.C. 2929.13(F), 2929.14(D)(3), or 2925.01, for punishment of the crime of PANDERING SEXUALLY-ORIENTED MATTER INVOLVING A MINOR OR IMPAIRED PERSON, Ohio Revised Cod, 2907.322(A)(1), 2907.322(C), a felony of the second (2nd) degree.
- Count 8 - For an indefinite term of a minimum of NOT LESS THAN 3 years and a maximum of NOT MORE THAN 4 ½ years, which is not a mandatory term pursuant to O.R.C. 2929.13(F), 2929.14(D)(3), or 2925.01, for punishment of the crime of PANDERING SEXUALLY-ORIENTED MATTER INVOLVING A MINOR OR IMPAIRED PERSON, Ohio Revised Code, 2907.322(A)(1), 2907.322(C), a felony of the second (2nd) degree.

IT IS FURTHER ORDERED that the sentences imposed herein be served CONCURRENTLY with each other.

IT IS FURTHER ORDERED that the said Defendant pay the costs of this prosecution at a rate not to exceed \$5.00 per month while the Defendant is incarcerated, for which execution is hereby awarded;



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said monies to be paid to the Summit County Clerk of Courts, Courthouse, 205 S. High Street, Akron, Ohio 44308-1662. Judgment is rendered against the Defendant for said costs and fees.

The court further notified the Defendant that, regarding Count 1, Count 2, Count 7, and Count 8, the Defendant **shall** be supervised on post-release control by the Adult Parole Authority for a **mandatory** period of **5 years** after being released from prison. If the Defendant violates the terms and conditions of post-release control, the Adult Parole Authority may impose a residential sanction that may include a prison term of up to nine months, and the maximum cumulative prison term for all violations shall not exceed one-half of the stated prison term. If the Defendant pleads guilty to, or is convicted of, a new felony offense while on post-release control, the sentencing court may impose a prison term for the new felony offense as well as an additional consecutive prison term for the post-release control violation of twelve months or whatever time remains on the Defendant's post-release control period, whichever is greater.

Accordingly, the Court, pursuant to Ohio Revised Code Section 2950.01, thereby ordered Defendant to be a **TIER II** Sex Offender/Child Victim Offender Registrant, and explained to the Defendant the duties to register as a Sex Offender, pursuant to Ohio Revised Code Section 2950.04.

Defendant is required to register in person with the sheriff of the county in which the Defendant establishes residency within **3 days** of coming into that county, or if temporarily domiciled for more than **3 days**. The Defendant is also required to register, in person, with the sheriff of the county in which the Defendant establishes a place of education immediately upon coming into that county. If the Defendant establishes a place of education in another state but maintains a residence or temporary domicile here, the Defendant is also required to register, in person, with the sheriff or other appropriate official in that other state immediately upon coming into that state. The Defendant is also required to register, in person, with the sheriff of the county in which the Defendant establishes a place of employment for more than **3 days** or for an aggregate of **14 days** in a calendar year. If the Defendant establishes a place of employment in another state but maintains a residence or temporary domicile here, the Defendant is also required to register, in person, with the sheriff or other appropriate official in that other state if the



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Defendant has been employed for more than **3 days** or for an aggregate of **14 days** in a calendar year. Employment includes volunteer services.

The Defendant is required to provide to the sheriff temporary lodging information, including address and length of stay, if the Defendant's absence will be for **7 days** or more.

After the initial date of registration, the Defendant is required to periodically verify his/her residence address, place of employment and/or place of education, in person, at the county sheriff's office no earlier than **10 days** prior to Defendant's verification date.

If the Defendant changes residence address, place of employment, and/or place of education, the Defendant shall provide written notice of that change to the sheriff with whom the Defendant most recently registered, and to the sheriff in the county in which the Defendant intends to reside, or establish a place of employment and/or place of education at least **20 days** prior to any change and no later than **3 days** after change of employment. If the residence address change is not to a fixed address, the Defendant shall include a detailed description of the place or places he/she intends to stay and no later than the end of the first business day immediately following the day the Defendant's obtains a fixed address, he/she must register with the sheriff that fixed address.

The Defendant shall, in accordance with Federal Law, report any **international travel** to his/her registering authority no less than **21 days** prior to travel. Failure to do so may subject the Defendant to criminal prosecution.

The Defendant shall provide written notice 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.

The Defendant is required to fulfill these requirements for a period of **25 years** with in-person verification **every 180 days**.

Failure to register, failure to verify residence at the specified times or failure to provide notice of a change in residence address or other required information as described above will result in criminal prosecution.



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The Official in charge of the Defendant's correctional facility, or designee thereof, is hereby ORDERED to enter the within determination in the Defendant's institutional record and IS FURTHER ORDERED to cause a DNA specimen to be collected in accordance with R.C. 2901.07, to collect all items set forth in R.C. 2950.03(C), and forward them to the Bureau of Criminal Identification, and to Notify the Defendant of all applicable Registration duties as set forth in R.C. 2950.03.

The Explanation of Duties to Register as a Sex Offender Registration or Child Victim Offender form was signed and executed on the record in open Court.

The Court finds that the Defendant is entitled to a total of 178 days jail time credit.

While incarcerated, the Defendant may not ingest illegal drugs or alcohol, and shall be subject to random, observed drug and alcohol testing.

The Court notified Defendant of the right to appeal and limited appellate rights. The Court notified Defendant that any appeal must be filed within thirty (30) days of sentencing, and if Defendant cannot afford an attorney, one can be appointed to represent Defendant for purposes of the appeal.

IT IS FURTHER ORDERED, pursuant to the above sentence, that the Defendant be conveyed to the appropriate intake facility of the Ohio Department of Rehabilitation and Correction.

A handwritten signature in blue ink that reads "Alison McCarty". The signature is fluid and cursive, with the first name "Alison" and last name "McCarty" clearly distinguishable.

ALISON McCARTY, Judge
Court of Common Pleas
Summit County, Ohio

/ced

cc: Assistant Prosecutor Caitlyn Weyer
Attorney John W. Greven



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Bureau of Sentence Computation
Convey- Lorain Correctional Institution