

FILED
COMMON PLEAS COURT

2024 AUG -5 PM 1:31

JENNIFER JOHNSON
CLERK OF COURTS
GUERNSEY CO., OHIO

IN THE COURT OF COMMON PLEAS, GUERNSEY COUNTY, OHIO

STATE OF OHIO,

Plaintiff,

vs.

JAMES P. MORRIS,

Defendant.

CASE NO. 24-CR-27

JUDGMENT ENTRY
OF SENTENCE

**FINAL APPEALABLE
ORDER
NO JUST CAUSE FOR DELAY**

On August 5, 2024, Defendant's Sentencing Hearing was held pursuant to Ohio Revised Code Section 2929.19. Defense Attorney Mark E. Kaido and Assistant Prosecuting Attorney Mark A. Perlaky were present, as was Defendant who was afforded all rights pursuant to Criminal Rule 32.

The Court considered the record, oral statements, any victim impact statement and any presentence report prepared, as well as the principles and purposes of sentencing under Ohio Revised Code Section 2929.11 and weighed the seriousness and recidivism factors found in Ohio Revised Code Section 2929.12.

The Court finds that Defendant has withdrawn his plea(s) of Not Guilty to the Indictment and on May 13, 2024, entered his written pleas of No Contest and Waiver of Trial Rights to, and has been convicted of the following:

- A) Count One: "Compelling Prostitution", in violation of Revised Code Section 2907.21(A)(2)(b), 2907.21(C), a felony of the third degree;
- B) Count Two: "Compelling Prostitution", in violation of Revised Code Section 2907.21(A)(2)(b), 2907.21(C), a felony of the third degree.

Pursuant to Revised Code Sections 2950.04/2950.041, the Court found Defendant to be a Tier II Sex Offender/Child Victim Offender Registrant and notified Defendant in open Court of his duties to register and report.

The Court is advised that Defendant's ORAS score is 32, high risk.

The Court, in sentencing may, in its discretion to determine the most effective way to comply with the principles and purposes of sentencing set forth in R.C. Section 2929.11, consider the factors contained in R.C. Section 2929.12(B), (C), (D) and (E), and any other factors relevant to achieving those purposes and principles.

In light of that guidance, the Court finds that certain factors contained in R.C. Section 2929.12(B), (C), (D) and (E) apply to this Defendant as follows:

(1) Defendant has a history of criminal convictions and juvenile delinquency adjudications.

(2) Defendant failed to respond favorably to sanctions previously imposed in adult or juvenile court.

(3) Defendant demonstrated a pattern of drug or alcohol abuse related to the offense and acknowledged the pattern but is not in treatment.

(4) Defendant shows genuine remorse.

In accord with R.C. Section 2929.11(A), the Court finds that the overriding purposes of felony sentencing are to protect the public from future crime by the offender and others and punish the offender, using the minimum sanctions that the Court determines accomplishes those purposes without imposing an unnecessary burden on state or local governmental resources.

The Court finds that consecutive sentences are necessary in this case to protect the public from future crime or to punish the offender and that consecutive sentences are not disproportionate to the seriousness of the offender's conduct and to the danger the offender poses to the public; and

A) The offender committed one or more of the multiple offenses while the offender was awaiting trial or sentencing, was under a sanction imposed pursuant to Section 2929.16, 2929.17, or 2929.18 of the Revised Code, or was under post-release control for a prior offense;

B) 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 offender's conduct;

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

The Court conducted a merger analysis and finds that merger does not apply in this matter.

Based upon the foregoing and in accord with Ohio law, the Court makes the following ORDERS herein:

1. The Defendant shall serve a stated prison term(s) as follows:
 - A) For conviction of Count One "Compelling Prostitution": TWENTY-FOUR (24) MONTHS, none of which is mandatory pursuant to Revised Code Section 2929.13(F);
 - B) For conviction of Count Two "Compelling Prostitution": TWENTY-FOUR (24) MONTHS, none of which is mandatory pursuant to Revised Code Section 2929.13(F);
 - C) Defendant's above sentences are to be served CONSECUTIVE to one another, for a total prison term of FORTY-EIGHT (48) MONTHS in this matter.
2. Pursuant to Ohio Revised Code Section 2967.191, Defendant shall receive jail-time credit of 187 days (as of August 5, 2024) for time incarcerated in this case. Defendant shall receive additional credit for time awaiting transport to prison.
3. No fine is assessed in this case as Defendant is found to be an indigent person.
4. Court costs of this case are assessed to the Defendant pursuant to Revised Code Section 2947.23, for which judgment plus interest is GRANTED to the Clerk of Courts. Collection of said Court costs is ORDERED DEFERRED pending Defendant's release from incarceration, at which time he is ORDERED to contact the Clerk of Courts to make arrangements for payment of the Court costs of this case. Defendant was notified in open Court of both the following:
 - (i) If Defendant fails to pay the judgment for Court costs or fails to make timely payments under a payment scheduled approved by the Court, the Court may Order the Defendant to perform community service work in an amount of not more than 40 hours per month until the judgment is paid or until the Court is satisfied the Defendant is in compliance with the approved payment schedule; and
 - (ii) If the Court Orders the Defendant to perform community service work, the Defendant will receive credit upon the judgment at the federal minimum wage per hour of community service work performed and each hour of community service performed will reduce the judgment by that amount.
5. The Court finds that the State of Ohio has submitted no evidence to show the Court that Defendant has (or reasonably may be expected to have) the means to meet some portion of the cost of

his court-appointed counsel fees in this case. The Court, therefore, ORDERS (pursuant to Revised Code Section 2941.51) that the court-appointed counsel fees NOT be included in the court costs of this case.

6. As a result of the conviction for a felony sex offense in Count One and Count Two, the Defendant will be subject to a 5-year term of post-release control.

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 the 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.

7. Defendant was notified in open Court of his rights of appeal and file the notice of appeal within 30 days of the date of this Entry in accord with Criminal Rule 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.

8. Defendant's bond is hereby RELEASED. If a cash bond was posted, said bond shall be released to the Clerk of Courts for payment of the Court costs of this case, with any balance thereafter released to the person who posted said bond.

9. Any/all outstanding warrants/capias in this case are ORDERED RELEASED/ VACATED.

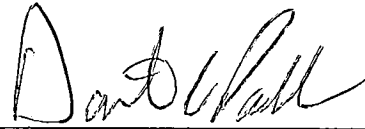
10. Defendant is ORDERED to provide a DNA sample in accordance with Section 2901.07 of the Ohio Revised Code. Failure to provide said sample shall result in contempt proceedings.

11. Defendant is remanded into the Custody of the Guernsey County Sheriff, to be transported to the Correctional Reception Center in Orient, Ohio, within the time prescribed by law.

12. The Clerk of Courts is hereby authorized to place the full Social Security Number of the Defendant on the copy of the sentencing entry that is forwarded to the Ohio Department of Rehabilitation and Corrections.

13. The Court ORDERS that this Final Appealable Order shall be served directly upon the Defendant by the Clerk of Courts in accordance with Civil Rules 58 and 5(B).

IT IS SO ORDERED.

A handwritten signature in black ink, appearing to read "Daniel G. Padden", written over a horizontal line.

JUDGE DANIEL G. PADDEN

cc: Prosecuting Attorney
Jeffrey D. Paden, Guernsey County Sheriff
Mark E. Kaido, Attorney for Defendant
James P. Morris, Defendant, c/o Guernsey County Jail
Lt. Kevin Shipe, Chief Probation Officer
Susan Robertson, Probation Assignment Commissioner