

FILED

2023 AUG -7 AM 11: 53

BARBARA A WIEDENBEIN
CLERK OF COMMON PLEAS
CLERMONT COUNTY, OH

COURT OF COMMON PLEAS
CLERMONT COUNTY, OHIO

State of Ohio

: Case No: 2023 CR 000191

Plaintiff

:

vs.

AGREED JUDGMENT ENTRY

:

SENTENCING DEFENDANT

David James Sears

Defendant

:

On the 21st day of June, 2023 the defendant entered pleas of guilty, and was found guilty of Cts. #5, #7, #11, #22, #23, and #25: Pandering Sexually-Oriented Matter Involving a Minor or Impaired Person, contrary to and in violation of Section 2907.322(A)(1) of the Ohio Revised Code, felonies of the second degree. **Dismissed Count(s):** Ct. #1, Ct. #2, Ct. #3, Ct. #4, Ct. #6, Ct. #8, Ct. #9, Ct. #10, Ct. #12, Ct. #13, Ct. #14, Ct. #15, Ct. #16, Ct. #17, Ct. #18, Ct. #19, Ct. #20, Ct. #21, and Ct. #24.

On the 4th day of August, 2023, the defendant's sentencing hearing was held pursuant to Ohio Revised Code section 2929.19. Defense Attorney Pat Stapp and Assistant Prosecuting Attorney Jesse Taylor were present as was the defendant who stated that **he** had no reason why sentence should not be imposed. The defendant was afforded all rights pursuant to Crim. R. 32. The Court has considered the record and oral statements, pre-sentence investigation report, as well as the principles and purposes of sentencing under Ohio Revised Code section 2929.11, and has balanced the seriousness and recidivism factors pursuant to Ohio Revised Code section 2929.12.

The Court finds that a prison term is consistent with the purposes and principles of sentencing in Revised Code section 2929.11. The offenses all carry a presumption for prison.

THE COURT FURTHER FINDS that the prosecution and the defendant have recommended jointly to the Court that the Court impose an aggregate minimum sentence of seventeen (17) years in the Ohio State Penal System, that the defendant acknowledged on the record such a jointly recommended sentence is not subject to appeal pursuant to O.R.C. Section 2953.08, and that such sentence is authorized by law.

The Court hereby accepts the jointly recommended sentence and **IT IS THEREFORE ORDERED, ADJUDGED AND DECREED**, that the defendant be and hereby is sentenced to confinement in the Ohio State Penal System for an indefinite period of a minimum of four (4) years, up to a maximum of six (6) years on each of Counts #5 and #7; an indefinite prison term for a minimum of three (3) years, up to a maximum of four and one-half (4.5) years on Ct. #11; and an indefinite prison term for a minimum of two (2) years, up to a maximum of three (3) years on each of Cts. #22, #23, and #25. All six of these counts shall be served consecutively to one another for an aggregate minimum term of seventeen (17) years, up to a maximum of nineteen (19) years. This sentence shall be served consecutively to the eleven (11) month sentence imposed in Case No. 2022 CR 000849.

The Court finds that consecutive sentences are necessary to protect the public from future crime and to punish the defendant and that consecutive sentences and the aggregate minimum seventeen (17) year sentence are not disproportionate to the seriousness of the defendant's conduct and to the danger the defendant poses to the public. The Court further finds that the defendant committed the within offenses while he was under a community control sanction for prior offenses; that the multiple offenses were committed as part of a course of conduct, and the harm caused by the multiple offenses so committed was so great or unusual that no single prison term for any of the offenses committed as part of the course of conduct adequately reflects the seriousness of the defendant's conduct; and that the defendant's history of criminal conduct demonstrates that consecutive sentences and the aggregate minimum term are necessary to protect the public from future crime by the defendant.

IT IS FURTHER ORDERED that the defendant shall receive credit for zero (0) days served.

IT IS FURTHER ORDERED that the defendant is classified as a **Tier II** Sex Offender subject to the reporting requirements of R.C. Section 2950.04, including registration every **180 days** for **25 years**. The defendant was advised of those requirements at sentencing, and was provided a copy of his Explanation of Duties to Register as a Sex Offender form, which he executed in open court.

IT IS FURTHER ORDERED that the defendant shall pay the court costs in this case.

IT IS FURTHER ORDERED that the Director of Rehabilitation and Corrections is directed to withhold funds in the appropriate amount from the defendant's account to pay the costs of this action. The payment for costs shall be mailed to the Clermont County Clerk of Courts, 270 E. Main Street, Batavia, Ohio 45103.

IT IS FURTHER ORDERED, that the defendant be remanded to the custody of the Sheriff of Clermont County, Ohio, to be by him transported to the above institution, together with commitment papers. Bond is hereby released and discharged.

IT IS FURTHER ORDERED, and notice is hereby given to the defendant, that as part of his sentence post-release control is mandatory in this case for a period of five years. If the defendant violates a post-release control sanction imposed as a component of the post-release control, including the mandatory condition described in Revised Code Section 2967.131(A), the parole board may impose a more restrictive or longer control sanction, may increase the duration of the post release control subject to the maximum five years, or may return the defendant to prison for up to nine months for each violation up to a maximum of one-half of the stated prison term. If the violation is a new felony, the defendant may receive a prison term of the greater of one year or the time remaining on post-release control, in addition to any other prison term imposed for the new offense. 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 imposed for the violation of that post-release control.

APPELLATE RIGHTS

Notice is hereby given to the defendant that:

1. The defendant has a right to appeal the conviction.
2. If the defendant is unable to pay the cost of an appeal, the defendant has the right to appeal without payment.
3. If the defendant is unable to obtain counsel for an appeal, counsel will be appointed without cost. A request for appointment of appointed counsel should be made in writing to the trial judge together with documentation supporting the defendant's contention that he is unable to obtain counsel.
4. If the defendant is unable to pay the costs of documents necessary for an appeal, the documents will be provided without cost.
5. The defendant has a right to have a notice of appeal timely filed on their behalf. If the defendant wishes to exercise this right, the notice of appeal must be filed within thirty (30) days of the entry of judgment. Any request to have a notice of appeal timely filed should be communicated in writing, by the defendant, to trial counsel and should be included with any request to the Court for the appointment of counsel.



Judge Anthony W. Brock