

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

State of Ohio,	:	TERMINATION NO. <u>18</u>	BY: <u>RZ</u>
Plaintiff,	:		
vs.	:	Case No. 10CR-7332	
Decarrei Kinard,	:	JUDGE SERROTT	
Defendant.	:		

FILED  
 COMMON PLEAS COURT  
 FRANKLIN CO. OHIO  
 2013 MAR 28 AM 7:52  
 CLERK OF COURTS

**JUDGMENT ENTRY**  
(Revocation/Prison Imposed)

On May 12, 2011, the State of Ohio was represented by Prosecuting Attorney David Zeyen and Defendant was represented by Attorney Donald Shartzter. The Defendant, after being advised of his rights pursuant to Crim. R. 11, entered a plea of guilty to the stipulated lesser included offense of Count Two of the indictment, to-wit: **Theft**, in violation of R.C. 2913.02, a Felony of the Third Degree.

Upon application of the Prosecuting Attorney and for good cause shown, it is ORDERED that a Nolle Prosequi be entered for Count One of the indictment.

The Court found Defendant guilty of the charges to which the plea was entered. The Court ordered and received a pre-sentence investigation.

On August 4, 2011, the Defendant was sentenced to **three (3) months** Community Control. The Defendant, having violated the terms of his community control, is now before the Court for reconsideration of his previous sentence.

On March 26, 2013, a re-sentencing hearing was held pursuant to R.C. 2929.19. The State of Ohio was represented by Prosecuting Attorney William Walton and the Defendant was represented by Attorney Donald Shartzter.

The Court afforded counsel an opportunity to speak on behalf of the Defendant and addressed the Defendant personally affording his an opportunity to make a statement on his 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 factors set forth in R.C. 2929.12, and the Court stated on the record its reasons for imposing this sentence. 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: Defendant shall serve **FOUR (4) YEARS DETERMINATE SENTENCE** at the **OHIO DEPARTMENT OF REHABILITATION AND CORRECTIONS**. **THIS SENTENCE SHALL BE SERVED CONCURRENT WITH CASE NUMBER 13CR-473.**

After imposing sentence, the Court stated its reasons as required by RC. 2929.19 and consistent with State v. Foster, 2006-Ohio-856.

The Court has considered the Defendant's present and future ability to pay a fine and financial sanction and does, pursuant to R.C. 2929.18, hereby renders judgment for the following fine and/or financial sanctions: Defendant is to pay Court costs in the amount of Three Hundred and Twenty-Two Dollars (\$322.00). ~~NO FINE IMPOSED.~~

After the imposition of sentence, the Court notified the Defendant, orally and in writing, that the Defendant **shall be** subject to a period of optional post-release control pursuant to R.C. 2929.19(B)(3)(c)(d) and (e).

Therefore, the Defendant shall be subject to a optional period of post release control for three (3) years after the Defendant is released from prison.

IF THE DEFENDANT VIOLATES POST-RELEASE CONTROL SUPERVISION OR ANY CONDITION THEREOF, THE ADULT PAROLE AUTHORITY MAY IMPOSE A PRISON TERM, AS PART OF THE SENTENCE, OF UP TO NINE (9) MONTHS, WITH A MAXIMUM FOR REPEATED VIOLATIONS OF FIFTY PERCENT (50%) OF THE STATED PRISON TERM. IF THE DEFENDANT COMMITS A NEW FELONY WHILE SUBJECT TO POST-RELEASE CONTROL, THE DEFENDANT MAY BE SENT TO PRISON FOR THE REMAINING POST-RELEASE CONTROL PERIOD OR TWELVE (12) MONTHS, WHICHEVER IS GREATER. THIS PRISON TERM SHALL BE SERVED CONSECUTIVELY TO ANY PRISON TERM IMPOSED FOR THE NEW FELONY OF WHICH THE DEFENDANT IS CONVICTED.

The Court finds that the Defendant has -121- days of jail credit and hereby certifies the time to the Ohio Department of Corrections. 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.

  
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JUDGE MARK A. SERROTT

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

STATE OF OHIO, :  
 :  
 Plaintiff, : CASE NO. 10CR-7332/13CR-473  
 :  
 -vs- : JUDGE SERROTT  
 :  
 Decarrei T. Kinard, :  
 :  
 Defendant. :

**ENTRY DENYING DEFENDANT'S MOTION FOR JUDICIAL RELEASE**  
**FILED SEPTEMBER 24, 2013**

This cause came on to be heard on Defendant's motion for Judicial Release filed September 24, 2013. The Court DENIES the Defendant's request for Judicial Release. The Defendant was on Probation to this Court and was revoked. The Defendant has already had the benefit of Probation and failed.

Furthermore, the Defendant has a very poor institutional record; he was just disciplined on September 27, 2013. Therefore, the Defendant's motion is DENIED.

Copies to:

Franklin County Prosecutor's Office

Donald Shartzter, Esq.  
Counsel for Defendant

Adult Probation Department

Franklin County Court of Common Pleas

**Date:** 10-01-2013  
**Case Title:** STATE OF OHIO -VS- DECARREI T KINARD  
**Case Number:** 10CR007332  
**Type:** ENTRY DENYING JUDICIAL RELEASE

It Is So Ordered.

A handwritten signature in cursive script, "Mark Serrott", is written over a circular official seal. The seal is partially obscured by the signature and contains some illegible text around its perimeter.

/s/ Judge Mark Serrott

Court Disposition

Case Number: 10CR007332

Case Style: STATE OF OHIO -VS- DECARREI T KINARD

Motion Tie Off Information:

1. Motion CMS Document Id: 10CR007332002[REDACTED]980000  
Document Title: 09-24-2013-JUDICIAL RELEASE - MOTION FOR  
Disposition: MOTION DENIED - CASE LEVEL