

IN THE COURT OF COMMON PLEAS, MERCER COUNTY, OHIO

State of Ohio,

Plaintiff

VS.

FILED
4:20
DEC 15 2023

Case No. 23-CRM-147

Schmidt, Thomas
MERCER COUNTY CLERK OF COURT
CELINA, OHIO

NEGOTIATED PLEA AGREEMENT

Darrell M. Bollenbacher

Defendant.

Pursuant to Criminal Rule 11, the following plea negotiations have taken place between the State of Ohio and the Defendant through defense counsel, Thomas Lucente.

1. The Defendant was charged in an Indictment with the offenses of:

<u>Count</u>	<u>Degree</u>	<u>Charges/Specifications</u>
1.	F1	2907.02(A)(1)(b), 2907.02(B): Rape
2.	F3	2907.05(A)(4), 2907.05(C)(2): Gross Sexual Imposition
3.	F3	2907.05(A)(4), 2907.05(C)(2): Gross Sexual Imposition
4.	F3	2907.05(A)(4), 2907.05(C)(2): Gross Sexual Imposition
5.	F3	2907.05(A)(4), 2907.05(C)(2): Gross Sexual Imposition
6.	F3	2907.05(A)(4), 2907.05(C)(2): Gross Sexual Imposition
7.	F3	2907.05(A)(4), 2907.05(C)(2): Gross Sexual Imposition
8.	F3	2907.05(A)(4), 2907.05(C)(2): Gross Sexual Imposition

2. The State of Ohio filed a Bill of Information charging Defendant with the following offenses:

<u>Count</u>	<u>Degree</u>	<u>Charges/Specifications</u>
1.	F2	2907.03(A)(1), 2907.03(B): Sexual Battery

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- 2. F2 2907.03(A)(1), 2907.03(B): Sexual Battery
- 3. F3 2907.05(A)(4), 2907.03(B)(2): Gross Sexual Imposition

3. The State of Ohio would ask for leave of Court to enter a nolle prosequi as to all counts in the Indictment

4. The Defendant would then plead guilty to the charges contained in the Bill of Information:

<u>Count</u>	<u>Degree</u>	<u>Charges/Specifications</u>
1.	F2	2907.03(A)(1), 2907.03(B): Sexual Battery
2.	F2	2907.03(A)(1), 2907.03(B): Sexual Battery
3.	F3	2907.05(A)(4), 2907.03(B)(2): Gross Sexual Imposition

6. The Defendant agrees to the following conditions:

- Count 1: 5 – 7.5 mandatory years in prison
- Count 2: 5 – 7.5 mandatory years in prison
- Count 3: 30 months in prison
- The prison terms for each count to be served consecutively to each other for a total stated prison term of 12.5 years (10 of which is mandatory) to 15 years in prison.

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MAXIMUM PENALTY. The Defendant understands that the maximum penalty as to each count to which a plea of guilty will be entered as follows:

<u>Count</u>	<u>Degree</u>	<u>Charges/Specifications</u>
1.	F2	2907.03(A)(1), 2907.03(B): Sexual Battery

	<u>Potential</u>	<u>Mandatory</u>
Prison:	Minimum term: 2 – 8 years in prison Maximum term: ½ of the minimum term.	Whatever minimum term the Court selects is mandatory
Fine:	\$0 to \$16,000	FILED DEC 15 2023
Driver's License:		

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 CELINA, OHIO

2. F2 2907.03(A)(1), 2907.03(B): Sexual Battery

	Potential	Mandatory
Prison:	Minimum term: 2 – 8 years in prison Maximum term: ½ of the minimum term	Whatever minimum term the Court selects is mandatory
Fine:	\$0 to \$16,000	
Driver's License:		

Count Degree Charges/Specifications
1. F3 2907.05(A)(4), 2907.03(B)(2): Gross Sexual Imposition

	Potential	Mandatory
Prison:	12 months, 18 months, 24 months, 30 months, 36 months, 42 months, 48 months, 54 months, 60 months	FILED DEC 15 2023 <i>Shirley Thomas</i> MERCER COUNTY CLERK OF COURTS CELINA, OHIO
Fine:	\$0 to \$10,500	
Driver's License:		

PRISON TERMS for multiple charges, even if consecutive are not mandatory, may be imposed consecutively by the court.

COURT COSTS, RESTITUTION, and other FINANCIAL SANCTIONS including fines, day fines, and reimbursement for the cost of any sanction may also be imposed.

I understand that if I am now on felony probation, parole, under a community control sanction, or under post release control from prison, this plea may result in revocation proceedings and any new sentence could be imposed consecutively. I know any prison term stated will be served without good time credit.

POST RELEASE CONTROL. In addition, a period of supervision by the Adult Parole Authority after release from prison may be mandatory in this case. If I am sentenced to prison for a felony sex offense, I will have a mandatory period of post-release control of 5 years. If I am sentenced to prison for a felony 1, I will have a mandatory period of post-release control of up to 5 years but not less than 2 years. If I am sentenced to prison for a felony 2, I will have a mandatory period of post-release control of up to 3 years but not less than 18 months. If I am sentenced to prison for a felony 3 offense of violence that is not a sex offense, I will have a mandatory period of post-release control of up to 3 years but not less than 1 year. If I am sentenced to prison for a felony 3 that is not an offense of violence

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or a sex offense, a felony 4, or a felony 5, I may be given up to 2 years of post-release control. The conditions of post-release control are determined by the Parole Authority. A violation of post-release control rule or condition can result in a more restrictive sanction while I am under post release control, AND/OR increased duration of supervision or control, up to the maximum term, OR re-imburement even though I have served the entire state prison term imposed upon me by this Court for all offenses. If I violate conditions of supervision while under post-release control, the Parole Board could return me to prison for up to nine months for each violation, for a total of 1/2 of my originally stated prison term. If the violation is a new felony, I could 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 offense.

COMMUNITY CONTROL. If this Court is not required by law to impose a prison sanction, it may impose community control sanctions or non-prison sanctions upon me. I understand that if I violate the terms or conditions of a community control sanction, the Court may extend the time for which I am subject to this sanction up to a maximum of 5 years, AND/OR impose a more restrictive sanction, OR imprison me for up to the maximum stated term allowed for the offense(s) as set out above.

I know the Judge may either sentence me today or refer my case for a pre-sentence report. I understand my right to appeal a maximum sentence, my other limited appellate rights and that any appeal must be filed within 30 days of my sentence. I understand the consequences of a conviction upon me if I am not a U.S. citizen. Further, I enter this plea voluntarily.

I FURTHER UNDERSTAND THAT under federal law, persons convicted of felonies can never lawfully possess a firearm. I understand that if I am ever found with a firearm, even one belonging to someone else, I may be prosecuted by federal authorities and subject to imprisonment for several years.

This Negotiated Plea Agreement represents all agreements made between the parties and no other agreements have been made. All appropriate agreements are included and if not included, they do not apply. Applicable provisions of clauses with alternative provisions have been printed in bold and/or underlined herein above.

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Christina Thomas
MERCER COUNTY CLERK OF COURTS
CELINA, OHIO

APPROVED BY:

Erin M. Minor

Erin M. Minor #0090274
Prosecuting Attorney

Thomas Lucente

Thomas Lucente
Counsel for Defendant

12/15/23

Date

Darrell M. Bollenbacher

Darrell M. Bollenbacher
Defendant

cc: Prosecuting Attorney

~~Defense Counsel~~

~~XC: COURT~~

KR 12-18-223

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