

**IN THE COMMON PLEAS COURT OF MERCER COUNTY, OHIO
CRIMINAL DIVISION**

STATE OF OHIO

vs.

BRANDY A. PRICE

Defendant

FILED
10:18
DEC 04 2024

John W. Gudorf
MERCER COUNTY CLERK OF COURTS
CELINA, OHIO

Case No. 24-CRM-080

**JUDGMENT ENTRY SENTENCING
(COMMUNITY CONTROL)**

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On December 3, 2024, this matter came on for hearing on sentencing pursuant to R.C. 2929.19, the Defendant, having previously entered a plea of guilty to the following count(s) of the Indictment:

<u>Count</u>	<u>Degree</u>	<u>Charge/Specification</u>
1	F5	Aggravated Possession of Drugs, R.C.2925.11(A);(C)(1)(a)

and the Defendant having previously been found guilty by this Court for the offense(s) for which Defendant is sentenced as set forth below in this entry.

The Court then proceeded with the Sentencing Hearing. The Court inquired and the State of Ohio represented that pursuant to Ohio Constitution Article 1, Section 10(a) and R.C. 2930. et seq, the victim(s) and/or victim(s) representative(s) had received notification about the nature of the hearing.

Assistant Prosecuting Attorney Anthony J. Miller appeared on behalf of the State of Ohio. The Defendant appeared with Defendant's attorney, Daniel W. Gudorf. The Court acknowledged that it had received the written presentence report prepared by Tiffany Hoelscher of the Adult Probation Department as previously ordered, and it was exhibited to counsel pursuant to statute. The Court indicated to the parties that it had reviewed the presentence investigation.

The court permitted Defendant and Defendant's counsel to offer evidence and make any statements either desired prior to the court making its final findings regarding the sentencing factors and pronouncing sentence. The Defendant's counsel made a statement on behalf of Defendant. Defendant made a statement on her own behalf. The Assistant Prosecuting Attorney, did not make a statement on behalf of the State.

Having considered the presentence investigation report, all relevant statutes, Criminal Rule 11(F), the statements made in open court, and any evidence presented,

the court was then prepared to address the sentencing factors set forth in R.C. Chapter 2929. Based upon the foregoing, the court found the following factors applicable:

Pursuant to R.C. 2929.12(B), the court considered the following factors it determined applied, indicating that the Defendant's conduct is **more serious** than the conduct normally constituting the offense:

None.

Pursuant to R.C. 2929.12(C), the court considered the following factors it determined applied, indicating that the Defendant's conduct is **less serious** than the conduct normally constituting the offense:

In committing the offense, the offender did not cause or expect to cause physical harm any person or property;

Pursuant to R.C. 2929.12(D), the court considered the following factors it determined applied, indicating that the Defendant is **more likely** to commit future crimes:

The offender previously was adjudicated a delinquent child pursuant to Chapter 2151 of the Revised Code prior to January 1, 2022, or pursuant to Chapter 2152 of the Revised Code, or the offender has a history of criminal convictions;

Pursuant to R.C. 2929.12(E), the court considered the following factors it determined applied, indicating that the Defendant is **less likely** to commit future crimes:

None.

Pursuant to R.C. 2929.13(B)(1)(a), the Court finds that the Defendant has been convicted of or plead guilty to a felony of the fourth or fifth degree that is not an offense of violence or is a qualifying assault offense. The Court further finds that the offender previously has not been convicted of or plead guilty a felony, that, the most serious charge against the offender at the time of sentencing is a felony of the fourth or fifth degree, and the offender previously has not been convicted of or plead guilty to an offense of violence that is a misdemeanor that the offender committed within two (2) years prior to the offense for which sentence is being imposed.

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Pursuant to R. C. 2929.13(B)(1)(a), the Court finds as follows:

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None

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Pursuant to R.C. 2929.12(F), the Court considered the offender's military service record and whether the offender had an emotional, mental, or physical condition that was traceable to the offender's service in the armed forces of the United States and that was a contributing factor in the offender's commission of the offense or offenses as follows:

No prior military service.

The Court has considered the record, oral statements, any victim impact statement and the Pre-Sentence Investigation report, the principles and purposes of sentencing under R.C. 2929.11, the seriousness and recidivism factors under R.C. 2929.12 and the factors contained in R.C. 2929.13

The Court finds that it has the discretion to impose a term of community control sanction upon the offender based on these findings and the law. Therefore, it is the sentence of the law and judgment of the Court that for the offense(s) of

<u>Count</u>	<u>Degree</u>	<u>Charge/Specification</u>
1	F5	Aggravated Possession of Drugs, R.C.2925.11(A);(C)(1)(a)

That the Defendant be and is hereby sentenced to the following community control sanctions:

Residential Sanctions

R.C. - 2929.16(A)(2) - Mercer County Adult Detention Facility for a term up to One hundred and eighty (180) days to be served upon the notice of your supervising officer. You shall follow all the rules and regulations of the Mercer County Adult Detention Facility.

Non-Residential Sanctions

R.C. - 2929.17(F) - Supervision for a term up to Five (5) years.

1. You shall not violate any federal, state or local law. You shall contact one of your Probation Officers no later than 24 hours after you have been arrested or have had contact with a law enforcement officer. You shall not enter into any agreement or other arrangement with any law enforcement officer or agent which might place you in the position of violating any law or condition of your supervision.
2. You shall not own, possess, or have under your control any firearm or weapons of any type.
3. You shall establish a permanent residence and shall report it to your Probation Officers. You shall not change your residence, telephone number, or address without permission of one of your Probation Officers during the entire period of supervision.

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4. You shall not be absent from your county of residence or the State of Ohio for more than 24 hours without permission from one of your Probation Officers.
5. You shall not associate with any person when association with that person has been prohibited by any of your Probation Officers.
6. Upon request, you shall submit to a search, without warrant, of your person; your motor vehicle or any motor vehicle under your control; any personal electronic devices owned by you or in your possession; your place of residence or any place it is believed you are residing; by Probation Officers. Upon request, you will be required to provide the usernames and passwords for any social media accounts or other internet-based accounts to Probation Officers.
7. You shall follow the instructions and advice of your Probation Officers in all matters during the entire period of your supervision and shall answer all questions honestly and completely.
8. You are subject to a curfew as determined by your Probation Officers.

R.C. - 2929.17(H) - Drug & Alcohol Use Monitor for a term up to Five (5) years.

You shall not consume any alcohol or any substances of abuse, both illegal and legal, including THC products, regardless of recommended card status. You are not permitted to have any of the aforementioned substances in your residence, on your person, or in any vehicle under your control. You are permitted to take any medications, as prescribed by a physician, and must provide a list of those medications to your Probation Officers. You are not permitted to frequent any establishment whose business is primarily serving alcohol by the drink.

You shall submit to random periodic urinalysis or other chemical tests as required by any probation officers, law enforcement, or treatment providers for the purpose of determining the presence of illegal drugs or alcohol, and you shall pay the costs of testing without regard to the test results. Any attempt to dilute, alter, or manipulate the urinalysis or other chemical test will be considered a violation of community control.

R.C. - 2929.17(J) - Obtain/Maintain Employment for a term up to Five (5) years.

You shall obtain/maintain regular employment in a lawful occupation and shall support your dependents, if any, to the best of your ability; and you shall not change your employment without permission from one of your probation officers. In the event you are unable to find or maintain such employment, you shall enroll in any program designed to enable you to obtain such employment, as designated by your probation officers.

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NOTICE IF SANCTIONS VIOLATED

The defendant is advised that if the conditions of the sanctions are violated, if the defendant commits a violation of any law, or if the defendant leaves this state without the permission of the court or the defendant's probation officer, the court may impose a longer time under the same sanction, may impose a more restrictive sanction, or may impose a prison term(s) on the defendant as follows:

<u>Count</u>	<u>Degree</u>	<u>Charge/Specification</u>
1	F5	Aggravated Possession of Drugs, R.C.2925.11(A);(C)(1)(a)
a prison sanction of 6 – 12 months.		

If Defendant is sentenced to prison for violating Defendant's community control sanctions, the prison term can be imposed consecutively to any other prison term imposed on the offender.

The Court informed the Defendant should Defendant serve a term in prison for this offense, that upon release from prison, the Defendant may be required to serve a discretionary period of post-release control pursuant to R.C. 2967.28 under the supervision of the parole board for a maximum period of two (2) years. If the Defendant violates post-release control, the Parole Board may increase the duration of the post-release control, impose more restrictive post-release control sanctions, and/or impose a prison term of up to nine months for each violation, up to a maximum of 50% of the stated prison term or stated minimum prison term imposed by the Court. If the Defendant commits a new felony while on post-release control, in accordance with R.C. 2929.141, the sentencing court in the new felony case may impose a prison term for the post-release control violation of the period remaining on post-release control or twelve months, whichever is greater, consecutively to the prison term for the new felony.

FEDERAL FIREARM DISABILITY

Under Federal law, persons convicted of felonies can never lawfully possess a firearm. You should understand that if you are ever found with a firearm, even one belonging to someone else, you may be prosecuted by federal authorities and subject to imprisonment for several years.

No fine was imposed.

Bond previously set is hereby discharged.

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No restitution is found or ordered.


The State of Ohio submitted a nolle prosequi on Count 2 and Count 3 of the Indictment.

The bench warrant previously ordered by this Court but not docketed is hereby rescinded.

CIVIL ASSESSMENT

Court costs are assessed against the Defendant. Assigned Counsel Fees in the amount of \$250 are assessed against the Defendant. The Court having found that Defendant has, or reasonably may be expected to have, the means to meet all of the costs of the services rendered to the Defendant.

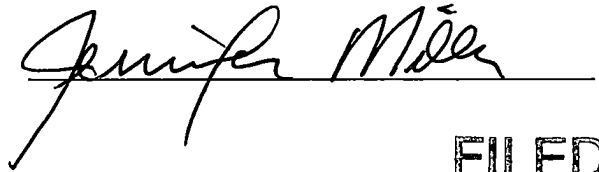
IT IS SO ORDERED.


Matthew K. Fox, Judge

CERTIFICATE OF SERVICE


This is to certify that a copy of the foregoing was delivered to Prosecutor, Erin M. Minor, Defendant's attorney, Daniel W. Gudorf, on this 4th day of December, 2024.

XC: COURT



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