

IN THE COURT OF COMMON PLEAS  
ASHTABULA COUNTY, OHIO

COPY

STATE OF OHIO

Plaintiff  
vs.

SELLERS JUDKINS

Defendant

CASE NO. 2004-CR-175

JUDGE Mackey

INFORMATION

FILED  
2004 APR 30  
CAROL A. REARD  
CLERK OF COURT  
COMMON PLEAS COURT  
ASHTABULA COUNTY, OHIO

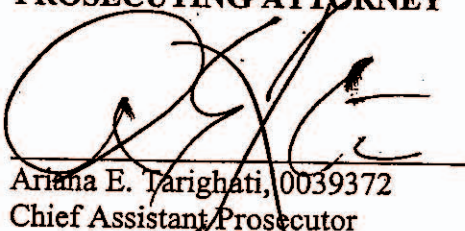
Now comes the State of Ohio, by and through its counsel, Ariana E. Tarighati, Assistant Prosecutor for **THOMAS L. SARTINI**, the duly qualified, elected, and acting Prosecuting Attorney for Ashtabula County, and by way of Information states that:

On or between October 1, 1999 and August 31, 2002, in the County of Ashtabula, State of Ohio, one **SELLERS JUDKINS**, did with purpose to deprive PACE Local 5-139, the owner, of property, to-wit: \$4,217.23, knowingly obtain or exert control over said property beyond the scope of the express or implied consent of PACE Local 5-139, the owner or other person authorized to give consent, the value being more than \$500.00 and less than \$5,000.00. This constitutes the offense of Theft, a felony of the fifth degree, in violation of Section 2913.02(A)(2), against the peace and dignity of the State of Ohio.

Respectfully submitted,

**THOMAS L. SARTINI, 0001937  
PROSECUTING ATTORNEY**

By:

  
Ariana E. Tarighati, 0039372  
Chief Assistant Prosecutor

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JUL 19 2004  
OLMS CLEVELAND

COPY

IN THE COURT OF COMMON PLEAS  
ASHTABULA COUNTY, OHIO

STATE OF OHIO

Plaintiff

vs.

SELLERS JUDKINS

Defendant

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CASE NO. 2004-CR-175

JUDGE Mackey

PLEA OF GUILTY

I enter a plea of GUILTY to "Theft" in violation of Section 2913.02 of the Ohio Revised Code, a felony of the 5th degree, as stated in the Information.

I understand the MAXIMUM penalty COULD be: a maximum basic prison term for a felony of the 5th degree of 6, 7, 8, 9, 10, 11, or 12 months, of which -0- is mandatory, during which I am eligible for judicial release. The maximum fine possible is \$2,500.00, of which \$-0- is mandatory. If I am now on felony probation or parole, this plea may result in revocation proceedings and any new sentence could be imposed consecutively. Restitution, financial costs and community control (probation) are possible in my case.

I know any prison term stated will be the term served without good time credit.

Post-Release Control. Should I receive a prison term, after I am released, I may have a period of post-release control for three (3) years following my release from prison. If I violate a post-release control sanction imposed upon me, any one or more of the following may result.

(1) The Parole Board may impose a more restrictive post-release control sanction upon me;

and

(2) The Parole Board may increase the duration of the post-release control subject to a specified maximum; and

(3) The more restrictive sanction that the Parole Board may impose may consist of a prison term, provided that the prison term cannot exceed nine months and the maximum cumulative prison term so imposed for all violations during the period of post-release control cannot exceed one-half of the stated prison term originally imposed upon me; and

(4) If the violation of the sanction is a felony, I may be prosecuted for the felony and, in addition to any sentence it imposes on me for the new felony, the Court may impose a prison term, subject to a specified maximum, for the violation.

I hereby certify the Court read to me, and gave to me in writing, the notice set forth herein.

If I am granted community control at any point in my sentence, and if I violate any of the conditions imposed, I could be given a longer period under court control, greater restrictions, or a prison term from the basic range. Community control could last five years.

I understand the nature of these charges and the possible defenses I might have. I am satisfied with my attorney's advice counsel and competence. I am not now under the influence of drugs or alcohol. No threats have been made to me. No promises have been made except as part of the stated plea agreement. I understand that the Court is not bound by any agreements of the parties.

I understand by pleading guilty I give up my right to a jury trial or court trial, where I could see and have my attorney question witnesses against me, and where I could use the power of the court to call witnesses to testify for me. I know at trial I would not have to take the witness stand and could not be forced to testify against myself and that no one could comment if I chose not to testify.

I understand I waive my right to have the prosecutor prove my guilt beyond a reasonable doubt.

By pleading guilty I admit committing the offense and will tell the Court the facts and circumstances of my guilt. I know the judge may either sentence me today or refer my case for a presentence 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. I enter this plea voluntarily.


Date: \_\_\_\_\_

4/30/04

\_\_\_\_\_  
Sellers Judkins, Defendant, *Pro Se*

**THOMAS L. SARTINI, 0001937  
PROSECUTING ATTORNEY**

By: \_\_\_\_\_

  
Ariana E. Tarighati, 0039372  
Assistant Prosecutor

IN THE COURT OF COMMON PLEAS  
ASHTABULA COUNTY, OHIO

THE STATE OF OHIO

PLAINTIFF

vs.

SELLERS JUDKINS

DEFENDANT

CASE NO. 2004-CR-175

JUDGE MACKEY

JUDGMENT ENTRY

2004 MAY -6 A 9:10  
FILED  
CAROL A. MEAD  
CLERK OF COURTS  
COMMON PLEAS COURT  
ASHTABULA CO. OH.

On this day, the 30<sup>th</sup> of April, 2004, came Ariana Tarighati, Chief Assistant Prosecutor, on behalf of the State of Ohio, and the Defendant, SELLERS JUDKINS, *Pro Se*, charged by Information of the Prosecuting Attorney, with Count One (1) "Theft" of the Information, a felony of the fifth degree, in violation of O.R.C. Section 2913.02. The Defendant, orally and in open court, waived his right to be represented by counsel as well as appointment of counsel in the event of indigency, and stated he wished to proceed in this matter *Pro Se*.

After having been fully advised by the Court of his constitutional right to be put on trial only after indictment by a Grand Jury, and his right against self-incrimination; and when he was informed of the nature and seriousness of the offense charged against him, he indicated that he understood his rights, and orally and in writing, waived indictment by Grand Jury and consented that prosecution proceed by Information, and was accordingly arraigned.

Upon inquiry by the Court, the Defendant indicated that he was a United States citizen.

The Defendant advised the court that he waived the statutory requirement of service of a copy of the Information twenty-four hours before the arraignment, and being asked whether he was guilty or not guilty of the offense charged in said Information, orally and in writing, says that he is guilty.

Thereupon, the Court explained in detail to the Defendant, SELLERS JUDKINS, his constitutional right to a Jury trial or trial to a Judge and all aspects thereof, together with the right of this Defendant to test the

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validity of any statement or admission if any had been made, and his further right to test the validity of any search and seizure that may have been made of his property, either personal or real; the Court further explained to this Defendant the nature of the crime with which he has been charged, together with the statutory penalty that could be imposed, and further inquired of the Defendant whether the entering of a plea of guilty to Count One (1) of the Information "Theft", was his own personal desire and whether he fully understood all of his constitutional guarantees afforded him; whereupon, the Defendant answered both inquiries in the affirmative.

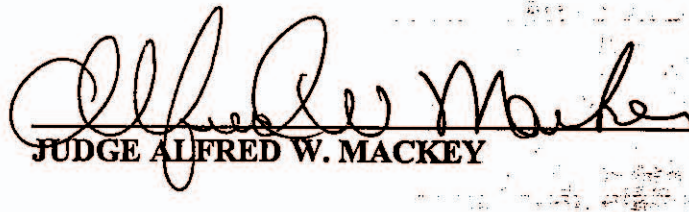
Thereupon, the Court asked the Defendant to explain in detail the full circumstances of events occurring at the time in question and such explanation was given by the Defendant.

Therefore, it is the order of the Court that the Defendant's plea of guilty to Count One (1) of the Information, "Theft" in violation of O.R.C. Section 2913.02, a felony of the fifth degree, is accepted by the Court and entered of record.

Sentencing is passed from day to day thereafter to allow for sufficient time for the processing of a Pre-Sentence Investigative report.

Bond in this matter is set at \$1,000.00, Personal Recognizance.

**IT IS SO ORDERED.**

  
JUDGE ALFRED W. MACKEY

Pursuant to Civil Rule 58(B), the Clerk of this Court is ordered to serve by regular mail, copies of this Judgment Entry upon the following parties:

cc: **Thomas L. Sartini, Prosecutor**  
**Defendant, Sellers Judkins, 4605 Elm Avenue, Ashtabula, Ohio 44004**  
**Adult Parole Authority/Adult Probation Department**  
**Ashtabula County Sheriff's Department**  
**Jean A. Whitney, Assignment Commissioner**

IN THE COURT OF COMMON PLEAS  
ASHTABULA COUNTY, OHIO

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JUL 15 2004

PROSECUTOR'S OFFICE

THE STATE OF OHIO

CASE NO. 2004-CR-175

PLAINTIFF

JUDGE MACKAY

vs.

SELLERS JUDKINS

JUDGMENT ENTRY

DEFENDANT

FILED  
2004 JUL 14 P 4:09  
CAROL A. MEAD  
CLERK OF COURTS  
COMMON PLEAS COURT  
ASHTABULA COUNTY, OHIO

On this day, the 12<sup>th</sup> day of July, 2004, Defendant's Sentencing Hearing was held pursuant to O.R.C. Section 2929.19. Assistant Prosecuting Attorney Teri Burnside, was present, as was SELLERS JUDKINS, the Defendant, who appeared *pro se*, and who was afforded all rights pursuant to Criminal Rule 32. Also present in Court was Brian Worrell of the Adult Parole Authority. The Court has considered the record, oral statements, as well as the principles and purposes of sentencing under O.R.C. Section 2929.11, has balanced the seriousness and recidivism factors under O.R.C. Section 2929.12, and has considered the factors under O.R.C. Section 2929.13(B).

The Court finds that the Defendant, SELLERS JUDKINS, has been convicted of Count One (1) of the Information, "Theft", a felony of the fifth degree, in violation of O.R.C. Section 2913.02.

It is hereby **ORDERED**, that the Defendant, SELLERS JUDKINS, be sentenced to One (1) year of Community Control. The supervision of the offender is to by the Adult Parole Authority, specifically to include:

a Fine of \$ 250.00

community service \_\_\_\_\_ hours

Basic supervised time of One (1) year (term)

\_\_\_\_\_ electronic monitoring for \_\_\_\_\_ (term)

\_\_\_\_\_ work release for \_\_\_\_\_ (term)

\_\_\_\_\_ Correctional Treatment Facility, \_\_\_\_\_

\_\_\_\_\_ Correctional Center of Northwest Ohio for \_\_\_\_\_ (term)

**X Other As a condition of Community Control, Defendant is to submit to random urinalysis for drug and alcohol monitoring. Defendant shall also be responsible for payment of any fees associated with said drug and alcohol assessment and random urinalysis testing.**

Defendant is, therefore, **ORDERED**, to report to the Ashtabula County Adult Parole Authority forthwith.

The Court notes Defendant has already made restitution in the amount of \$4,217.23.

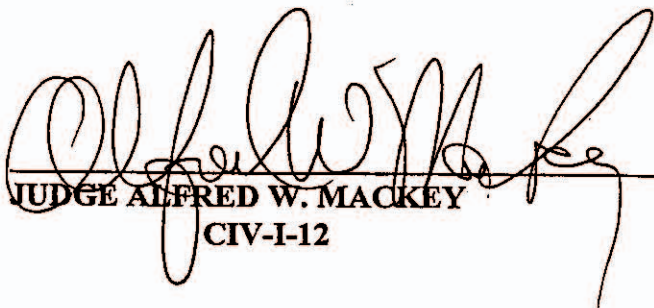
Defendant is ordered to pay any reimbursement determined by the Adult Parole Authority; all costs of prosecution; any court-appointed counsel fees; and any fees permitted pursuant to O.R.C. Section 2929.18(A)(4).

Bond as previously set is hereby cancelled and held for naught, less any Clerk's fees which may apply.

Costs of this matter are assessed against Defendant.

**Pursuant to Civil Rule 58(B), the Clerk of this Court is ordered to serve copies of this Judgment Entry upon the following parties: Thomas L. Sartini, Prosecutor; Defendant, Sellers Judkins, *Pro Se*; Adult Parole Authority/Adult Probation Department; Ashtabula County Sheriff's Department; and Jean A. Whitney, Assignment Commissioner.**

**IT IS SO ORDERED.**

  
\_\_\_\_\_  
JUDGE ALFRED W. MACKEY  
CIV-I-12