

COURT OF COMMON PLEAS
BUTLER COUNTY, OHIO

STATE OF OHIO

Plaintiff

vs.

TRISTAN P. SMITH
DOB: 01/18/2001
SSN: xxx-xx-██████

Defendant

CASE NO. CR2020-07-0849

HAUGHEY, J.

JUDGMENT OF CONVICTION ENTRY

On February 02, 2021 defendant's sentencing hearing was held pursuant to Ohio Revised Code Section 2929.19. Defense attorney, Ramona Evans Daniels and the defendant were present and defendant was advised of and afforded all rights pursuant to Crim. R. 32. The Court has considered the record, the charges, the defendant's Guilty Plea, and findings as set forth on the record and herein, oral statements, any victim impact statement and pre-sentence 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 of Ohio Revised Code Section 2929.12 and whether or not community control is appropriate pursuant to Ohio Revised Code Section 2929.13. Further, the Court has considered the defendant's present and future ability to pay the amount of any sanction, fine or attorney's fees and the court makes no finding at this time of the defendant's ability to pay attorney fees.

The Court finds that the defendant has been found guilty of:

ATTEMPTED IMPROPERLY DISCHARGING A FIREARM AT OR INTO A HABITATION as to Count One, a violation of Revised Code Section 2923.02~2923.161(A)(1) a third degree felony. With respect to this Count, the defendant is hereby sentenced to:

Community Control for a period of 5 years.

As to Count(s) One:

The defendant's sentence of COMMUNITY CONTROL shall be subject to the general supervision and control of the Adult Probation Department under any terms and conditions that they deem appropriate, including that the defendant shall be prohibited from leaving the state without permission of the Court or the Adult Probation Department. The defendant shall abide by all laws including, but not limited to, the laws related to firearms and dangerous ordnance.

The Court further ORDERS specific sanctions and conditions as follows:

- Intensive Supervision: 5 years
- Supervision Fees: \$25.00 per month
- Mental Health Assessment: and follow all recommended treatment
- No drugs or alcohol
- No guns

- No contact with Lakota School Property
- 90 days Electronic Home Detention: with privileges for work, treatment, and probation only

Violation of any of this sentence shall lead to a more restrictive sanction, a longer sanction, or a prison term of 30 months. After prison release, if post release control is imposed, for violation of post release control conditions, the Adult Parole Authority or Parole Board could impose a more restrictive or longer control sanction, or return defendant to prison for up to nine months for each violation, up to a maximum of ½ of the stated prison term. If the violation is a new felony, 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.

Defendant is hereby ORDERED to report to the Adult Probation Department.

Defendant is ORDERED to pay:

Costs of prosecution, supervision and any supervision fees permitted pursuant to Revised Code Section 2929.18(A)(4). Attorney fees are not to be assessed as court costs. The Court notifies the Defendant that, pursuant to R.C. Section 2947.23(A)(1), failure to pay court costs and/or costs of prosecution as imposed may result in an order to perform community service.

Restitution in the amount of \$7,776.16 to Lakota Schools.

Any Temporary Protection Order(s) issued pursuant to O.R.C. §2903.213, §2903.214, or §2919.26 shall be terminated with this Judgment of Conviction Entry.

The Court further advised the defendant of all of his/her rights pursuant to Criminal Rule 32, including his/her right to appeal the judgment, his/her right to appointed counsel at no cost, his/her right to have court documents provided to him/her at no costs, and his / her right to have notice of appeal filed on his behalf.

APPROVED AS TO FORM:

ENTER

**MICHAEL T. Gmoser
PROSECUTING ATTORNEY**



BUTLER COUNTY, OHIO

HAUGHEY, J.

**KTC/kch
February 2, 2021**