

**IN THE COURT OF COMMON PLEAS, ASHLAND COUNTY, OHIO
GENERAL DIVISION**

STATE OF OHIO,

Plaintiff,

Case No. **24-CRI-005**

vs.

NINA NEPHEW,

JUDGMENT ENTRY - SENTENCING

Defendant.

This matter came before the Court, on June 10, 2024 for sentencing, the Defendant having previously pled guilty to the following offense: **PETTY THEFT**, in violation of R.C. 2913.02(A)(1), a misdemeanor of the first degree. The State of Ohio was represented by Christopher Tunnell, Prosecutor, and the Defendant appeared with Attorney Joseph Kearns, Jr.

The Defendant orally waived the right to be physically present at the hearing pursuant to Crim.R. 43(A)(3) and the proceedings were conducted and recorded via remote video technology that allowed for the defendant to see and hear the proceedings, to speak and be heard by the Court and the parties, and to communicate with counsel privately.

Prior to imposing sentence, the Court afforded all parties with the opportunity to be heard regarding sentencing. The Court gave defense counsel an opportunity to speak and present mitigation on the Defendant's behalf, personally addressed the Defendant, and provided the Defendant an opportunity for allocution.

Having considered and weighed all statements in mitigation as well as the statements of the parties, any presentence investigation, any victim impact statement and/or other statement from the victim or victim's representative, as well as the principles and purposes of sentencing in R.C. 2929.11, the seriousness and recidivism factors in

R.C. 2929.12, and all other relevant sentencing statutes, the Court finds that the Defendant is amenable to community control sanctions and that a community control sentence is consistent with the purposes and principles of the sentencing law of Ohio. Therefore, the Court pronounced sentence on the Defendant and ORDERED as follows:

SENTENCING ORDER OF THE COURT

1. **RESIDENTIAL SANCTIONS:**

- a. As stated in Count One of the Bill of Information for the offense **PETTY THEFT**, in violation of R.C. 2913.02(A)(1), a misdemeanor of the first degree, the Defendant shall be incarcerated in the Ashland County Jail for a period of **180 days**. **170 days** of said jail sanction shall be suspended, conditioned upon the Defendant's compliance with all rules and regulations of her supervising authority, and all terms and conditions of this sentencing order. The Defendant shall report to the Ashland County Jail on June 21, 2024 at 8:00 a.m. to serve said residential sanction.
- b. The Defendant shall receive credit against the jail sanction for all time served in the Ashland County Jail, which is **3 days** through June 10, 2024.

2. **NONRESIDENTIAL SANCTIONS WITH REGARD TO COUNTS ONE:**

- a. The Defendant SHALL be subject to probation supervision for a period of **Two (2) years** from the date of journalization of the sentencing order through the Ashland County Adult Probation Department. Until otherwise deemed appropriate by the Defendant's supervising officer, the Defendant shall be supervised at a **High ORAS** Level, with a minimum of one face-to-face contact with her supervising officer.
- b. The Defendant shall complete **200 hours** of community work service in the manner and form approved by her supervising officer.
- c. The Defendant shall not be on the property of any Wal-Mart store.
- d. The Defendant shall abide by and follow the general rules, regulations and/or special conditions of Adult Probation, including those listed on the attached conditions of supervision, and shall obey all laws and all orders of the Court.

3. **FINANCIAL SANCTIONS WITH REGARD TO COUNTS (ONE):**

- a. Based upon the facts and circumstances in evidence, and the pre-sentence investigation, the Court specifically finds that the Defendant has the future ability to be employed and to pay financial sanctions in this case. As stated in Count One of the Bill of Information for the offense **PETTY THEFT**, in violation of R.C. 2913.02(A)(1), a misdemeanor of the first degree, the Defendant is ORDERED to pay a fine of **\$250.00**, to be distributed by the Clerk of Courts pursuant to law.

- b. The Defendant shall pay court costs in this case, including a sum of \$30.00, taxed as costs pursuant to R.C. 2949.091; a sum of \$30.00, to be paid over to the Treasurer of the State of Ohio, pursuant to R.C. 2743.70; and a sum of \$25.00 is taxed as costs pursuant to R.C. 120.36.
- c. The Defendant shall pay a supervision fee while under supervision by Adult Probation in the amount of Fifty Dollars (\$50.00) per month, effective with the journalization of this judgment entry. The supervision fee shall be payable through the Clerk of Courts.

The Court advised the Defendant that if she fails to pay the costs assessed in this matter, or fails to timely make payments under a payment schedule approved by the Court, the Court may order her to perform additional Community Service until the costs are paid or until the Court is satisfied that the Defendant is in compliance with the court-approved payment schedule. The Court further advised the Defendant that if the Court orders her to perform additional Community Service, she will receive credit against the court costs still due at the specified hourly credit rate per hour of Community Service performed, and each hour of Community Service performed will reduce the court costs remaining due by that amount.

The Defendant was notified of rights to appeal per Crim.R. 32 as well as the Defendant's right to have counsel appointed and a transcript of all proceedings provided at no cost if the Defendant is determined to be indigent and unable to afford counsel. The Court further advised the Defendant of the necessity that any appeal be filed in writing with the Court within thirty (30) days of the filing of the sentencing entry of the Court. The Defendant acknowledged an understanding of the Court's explanation of appellate rights.

The Pre-Sentence Investigation Report shall be filed UNDER SEAL in this case.

Bond shall be released upon Defendant reporting for her jail sentence.

It is so ordered.



David R. Stimpert, Judge

Conditions of Supervision

In consideration of having been granted supervision on **June 10, 2024**, in case number **24-CRI-005 Nina Nephew**.

1. Obey all local, state, and federal laws.
2. Obey all orders, rules, instructions, and guidance from the Ashland County Common Pleas Court/Probation.
3. Pay supervision fees, fines, restitution, GPS fees, and court costs. Upon request, provide all financial documents, including but not limited to pay stubs, bank statements, child support, and disability verification.
4. Make every reasonable effort to obtain or maintain verifiable, lawful employment and notify your Officer within 3 days of any changes to your employment.
5. Provide verification of all prescribed medications.
6. Follow all rules, orders and recommendations from the court, your supervising Officer, and treatment provider, successfully complete ordered assessments, programing and treatment.
7. Do not leave the State of Ohio without written permission from your Officer.
8. Keep your Officer informed of your residence and obtain permission before changing your residence.
9. Forbidden to buy, own, possess, use, or have under your control any deadly weapon, firearm, ammunition, or dangerous ordnance.
10. Notify your Officer within 24 hours after being arrested, receiving a citation, being stopped, or questioned by any law enforcement officer or governmental agency, or being convicted of a crime in another court.
11. Forbidden to purchase, possess, use, or have under your control any controlled substances (including medical marijuana or CBD products containing THC), intoxicants, drug paraphernalia, or alcohol.
12. Submit to a drug test by blood, breath, or urine at the direction of Probation Staff, Court Personnel, or Law Enforcement. Refusal to do so will be a violation. You shall not alter, or attempt to alter, your drug test in anyway.
13. Sign a release of confidential information from any public or private agency if requested to do so.
14. The Probation Department reserves the right to prohibit association with people who have been convicted of a felony or are incarcerated.
15. Do not enter into any agreement to function as an informant with a law enforcement agency without the permission from your Probation Officer.

ASHLAND COUNTY ADULT COURT SERVICES

- 16. Other conditions: Serve 7 days in the Ashland County Jail (1209 E. Main St Ashland Ohio). Report June 21st, 2024, at 8 am.
- 17. Agree to waive your Fourth Amendment rights to search, and seizure as requested by Probation Staff. Includes the search of your person, motor vehicle, place of residence, personal property, cell phones, including other electronic data devices, or property that you have been given permission to use or under your control. You will cooperate with such search by providing keys, combinations, passwords, or credentials, necessary to conduct the search.
- 18. Perform 200 hours of community service.

You acknowledge that the Court can, after a proper hearing or by journal entry, change the conditions of your Community Control or extend the length of your Community Control term up to five (5) years. By signing this agreement, you acknowledge that you understand the rules and conditions of Community Control and willingly agree to follow them. You have not only read these rules and conditions, but they have been explained to you by your Supervising Officer.

Print Name **Nina Nephew**

Date **June 10, 2024**

Signature 

Supervising Officer 