

IN THE COURT OF COMMON PLEAS OF ATHENS COUNTY, OHIO

FILED
ATHENS COUNTY, O

State of Ohio,
Plaintiff,

Case No. 18CR0184

JUN 04 2019

v.

Cody Prater,
Defendant.

PLEA OF GUILTY

Jina M. Wells, CLERK
OF COMMON PLEAS COURT

I withdraw my former not guilty plea and enter a PLEA OF GUILTY to the offense(s) of:

COUNT #	OFFENSE & R.C. SECTION	DEGREE OF FELONY	BASIC PRISON TERM	POSSIBLE FINE
1	2907.322(A)(1) Pandering Sexually-Oriented Matter Involving a Minor	F2	2,3,4,5,6,7,8 years	\$15,000.00
2	2907.322(A)(1) Pandering Sexually-Oriented Matter Involving a Minor	F2	2,3,4,5,6,7,8 years	\$15,000.00
3	2907.322(A)(1) Pandering Sexually-Oriented Matter Involving a Minor	F2	2,3,4,5,6,7,8 years	\$15,000.00
4	2907.322(A)(1) Pandering Sexually-Oriented Matter Involving a Minor	F2	2,3,4,5,6,7,8 years	\$15,000.00
5	2907.322(A)(1) Pandering Sexually-Oriented Matter Involving a Minor	F2	2,3,4,5,6,7,8 years	\$15,000.00

I understand the MAXIMUM penalty COULD be: a maximum basic prison term

of 56 years/~~months~~ of which 0 is mandatory, during which I am NOT eligible for judicial release or community control. The maximum fine possible is \$ 105,000.00

of which \$ 0 is mandatory. Restitution, other financial costs and

sex offender registration and reporting are possible in my case. If

I am now on felony probation, parole, or community control, this plea may result in revocation proceedings and any new felony sentence shall be imposed consecutively.

COMMUNITY CONTROL

If I am eligible for and if I am granted community control at any point in my sentence, and if I violate any of the conditions imposed, or violate any law, or leave this state without the permission of the court or my community control officer, 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.

JOURNALIZED

JUN 04 2019

POST RELEASE CONTROL

If I am sentenced to prison for a felony of the 3rd, 4th, or 5th degree, I may be given up to 3 years of post-release control. If I am sentenced to prison for a felony of the 2nd or 3rd degree which involved causing or threatening physical harm, I will have mandatory post-release control

JR: 795
811

Date

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Signature of Defendant

- * 6 2907.322(A)(1) Pandering Sexually-Oriented Matter Involving a Minor F2 2,3,4,5,6,7,8 years \$15,000.00
- * 7 2907.322(A)(1) Pandering Sexually-Oriented Matter Involving a Minor F2 2,3,4,5,6,7,8 years \$15,000.00

6/4/19

[Signature]

of 3 years.

If I am sentenced to prison for a felony of the 1st degree or a felony sex offense, after my prison release I will have 5 years of post-release control under conditions determined by the parole board.

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 50% of my originally stated term. If the violation is a new felony I could receive a new prison term of the greater of one year or the time remaining on post-release control, plus a consecutive prison sentence for the new felony conviction.

PLEA AGREEMENT

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 this plea agreement, stated entirely as follows: Defendant will plead guilty to indictment. Sentencing to be argued. Tier 2 sex offender registration and reporting.

UNITED STATES ("U.S.") CITIZEN STATEMENT (Complete #1 or #2 Below)

1) I AM a United States Citizen. TCLP Defendant's initials; OR

2) I AM NOT a United States Citizen _____ Defendant's initials

IF YOU ARE NOT A CITIZEN OF THE UNITED STATES YOU ARE REQUIRED TO BE INFORMED OF THE FOLLOWING:

IF YOU ARE NOT A CITIZEN OF THE UNITED STATES YOU ARE HEREBY ADVISED THAT CONVICTION OF THE OFFENSE TO WHICH YOU ARE PLEADING GUILTY (OR NO CONTEST WHEN APPLICABLE) MAY HAVE THE CONSEQUENCES OF DEPORTATION, EXCLUSION FROM ADMISSION TO THE UNITED STATES, OR DENIAL OF NATURALIZATION PURSUANT TO THE LAWS OF THE UNITED STATES.

I have read and understand the above: _____
Signature of Defendant Date

Date

6/4/19

Page 2 of 3

TCLP
Signature of Defendant

EARNED DAYS OF CREDIT

Most prison inmates are eligible to earn days of credit against their prison sentences for each completed month of productive participation in educational or employment programs developed by the Ohio Department of Rehabilitation and Corrections (ODRC) with specific standards for performance by prisoners. Some inmates, including those confined for sex offenses and the most dangerous first and second degree felonies and homicides are not eligible to earn days of credit.

WAIVER OF RIGHTS / PLEA / RIGHT TO APPEAL

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 understand that 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 am giving up the right to testify on my own behalf.

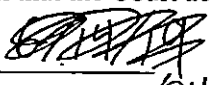
I understand I waive my right to have the prosecutor prove my guilt beyond a reasonable doubt on every element of each charge.

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 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. I enter this plea voluntarily.

I understand that the State's recommended sentence in this agreement is not binding on the Court.

By signing below I agree I have read this document, any questions I had have been answered, and I ask that the Court accept this plea.

Signed and Dated: 

06/04/19


Signature of Defendant

Approved:


Athens Asst. Co. Prosecutor

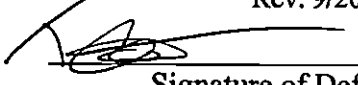
6/4/19

Date

Approved:


Attorney for Defendant

Rev. 9/2016


Signature of Defendant

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Jina M Wells, CLERK
OF COMMON PLEAS COURT

JUDGMENT ENTRY OF GUILTY

The Court finds that this day the defendant, in open court, was advised of all constitutional rights and made a knowing, intelligent, and voluntary waiver of those rights pursuant to Crim.R. 11. The plea is accepted and is ordered filed. The Court finds defendant **GUILTY** of each offense to which defendant has entered this plea.

A **(PRE)** POST) Sentence Investigation is ordered. Defendant is ordered to appear for their presentence investigation interview with Investigator Jillian Wright at the Athens County Common Pleas Court on _____ at _____.m.

____ A SEPTA evaluation (IS / IS NOT) ordered.

____ The court proceeds to judgment and sentencing immediately at the parties request.

____ A sentencing hearing shall take place on _____ at _____.m.

DEFENDANT IS ORDERED PRESENT FOR SENTENCING.

Bond is set at _____.

OTHER: _____

SO ORDERED

Date

6/4/19

JUDGE

[Signature]

Cc: Prosecutor _____
Defense Attorney _____

Rev. 09/2016