Supreme Court of Ohio Clerk of Court - Filed August 28, 2024 - Case No. 2024-0868

The Supreme Court of Ohio

State of Ohio ex rel David E. Feathers v. Eleventh Distrct Court of Appelas, for Portage County, Ohio, Judge Thomas A. Wright, Judge Cynthia Westcot Rice, Judge Mary Jane Trapp, Judge Matt Lynch, Judge John J Eklund, and Judge Eugene A. Lucci	Case No. 2024-0868 IN PROHIBITION, MANDAMUS, AND PROCEDENDO ENTRY

This cause originated in this court on the filing of a complaint for writs of prohibition, mandamus, and procedendo.

Upon consideration of respondents' motion to dismiss, it is ordered by the court that the motion to dismiss is granted. Accordingly, this cause is dismissed.

Sharon L. Kennedy
Chief Justice

The Official Case Announcement can be found at http://www.supremecourt.ohio.gov/ROD/docs/

Supreme Court of Ohio Clerk of Court - Filed October 30, 2024 - Case No. 2024-0868

The Supreme Court of Ohio

State of Ohio ex rel David E. Feathers

v.

Eleventh Distrct Court of Appelas, for Portage County, Ohio, Judge Thomas A. Wright, Judge Cynthia Westcot Rice, Judge Mary Jane Trapp, Judge Matt Lynch, Judge John J Eklund, and Judge Eugene A. Lucci

Case No. 2024-0868

ENTRY

This cause came on for further consideration upon the filing of relator's motion to take judicial notice. It is ordered by the court that the motion is denied.

Sharon L. Kennedy
Chief Justice

The Official Case Announcement can be found at http://www.supremecourt.ohio.gov/ROD/docs/

IN THE COURT OF COMMON PLEAS
PORTAGE COUNTY, OHIO

STATE OF OHIO,	)	**CASE NO. 2004 0424**
Plaintiff	)	
	)	**JUDGE LAURIE J. PITTMAN**
-vs-	)	
DAVID FEATHERS	)	**JUDGMENT ENTRY**
	)	
Defendant	)	

FILED
COURT OF COMMON PLEAS
MAY 17 2017
JILL FANKHAUSER, Clerk
PORTAGE COUNTY, OH

The Court finds the matter came before the Court on Monday, May 15, 2017 for Hearing on Motion to Modify Sanctions.

Present in Court was Assistant Prosecuting Attorney the Adult Probation Department and Defendant represented by Attorneys George Keith and Michael Giulitto.

The Court finds the Defendant has violated the terms of probation therefore a more restrictive sanction is necessary.

IT IS THEREFORE ORDERED the sanctions imposed in Case No. 2016 CR 0695 shall be mirrored in this case.

The Court notified the Defendant if the Defendant violates the terms of said community control sanctions the Defendant may receive more restrictive community control sanctions or the Defendant will serve the balance of any time left in case to run consecutive to Case 2016 CR 0695.

IT IS SO ORDERED.

JUDGE LAURIE J PITTMAN

C: Assistant Prosecuting Attorney
Attorney for Defendant

IN THE COURT OF COMMON PLEAS
PORTAGE COUNTY, OHIO

STATE OF OHIO,	)	CASE NO 2016 CR 0695
Plaintiff	)	
	)	JUDGE LAURIE J. PITTMAN
-vs-	)	
DAVID E FEATHERS	)	ORDER AND JOURNAL ENTRY
Defendant	)	

FILED
COURT OF COMMON PLEAS
MAY 17 2017
JILL FANKHAUSER, Clerk
PORTAGE COUNTY, OH

On Monday, May 15, 2017 Defendant's sentencing hearing was held pursuant to Ohio Revised Code Section 2929.19.

Defense Attorneys, George Keith and Michael Giulitto, Assistant Prosecuting Attorney and the Adult Probation Department were present as was the Defendant who was afforded all rights pursuant to Crim. R. 32.

The Court considered the purpose of felony sentencing which is to protect the public from future crime by the defendant and to punish the defendant using the minimum sanctions that the Court determines to accomplish those purposes without imposing an unnecessary burden on state or local government resources.

The Court also considered the need for incapacitating the defendant, deterring the defendant and others from future crimes, rehabilitating the defendant, making restitution to the victim of the offense, the public or both.

The Court also considered the evidence presented by counsel, oral statements, any victim impact statement, the Pre-Sentence Report and the defendant's statement.

The Court finds that the Defendant has entered a Written Plea of Guilty pursuant to Crim. R. 11(F) Plea Negotiations to Count One of the Indictment, charging the Defendant with the offense of

The Court finds that either a community control sanction or a combination of community control sanctions is consistent with the purpose and principles of sentencing set forth in R.C. §2929.11.

IT IS THEREFORE ORDERED Defendant shall serve 180 days in jail with a work release. Further, Defendant is placed on the general control of the Portage County Adult Probation Department in the Intensive Supervision Program for a period of 12 months and 36 additional months under the General Division of Adult Probation, or until the Court has been notified by Portage County Adult Probation Department that the Defendant has satisfied all conditions of said community control. The Defendant shall abide by all standard rules and shall have the following terms:

1. Defendant shall undergo a mental health evaluation and follow all recommendations.
2. Defendant shall become full time employed within 9 months and maintain said employment throughout probation.
3. Defendant shall complete the ROCIP program.

IT IS FURTHER ORDERED Defendant's right to drive in the State of Ohio is suspended for 20 years.

The Court notified the Defendant if the Defendant violates the terms of said community control sanctions the Defendant may receive more restrictive community control sanctions or the Defendant will serve a specific prison term of three years.

The Court further notified Defendant under federal law persons convicted of felonies can never lawfully possess a firearm and 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.

IT IS FURTHER ORDERED the bond previously fixed herein is discharged.

assessment and recoupment fee and the approximate $222.00 costs (as of today's date) of these proceedings, to be paid within thirty-six months. If you are unable to pay the judgment for fines or court costs or are unable to follow your payment schedule the court orders you to perform 72.2 hours of community service in an amount of $10.00 per hour, not more than forty hours per week until the judgment is paid or until the court is satisfied that you are in compliance with the approved payment schedule.

IT IS SO ORDERED.

JUDGE LAURIE J PITTMAN

cc: Assistant Prosecuting Attorney
Attorney for Defendant
Adult Probation Department

D.

FILED
COURT OF COMMON PLEAS

JUL 09 2008

LINDA K. FANKHAUSER, CLERK
PORTAGE COUNTY, OHIO

PULL

IN THE COURT OF COMMON PLEAS
PORTAGE COUNTY, OHIO

STATE OF OHIO,	)	**CASE NO. 2004 CR 0424**
Plaintiff	)	
	)	**JUDGE LAURIE J. PITTMAN**
-vs-	)	
DAVID FEATHERS,	)	**JUDGMENT ENTRY**
Defendant	)	

On Monday, July 7, 2008, Defendant's Sentencing hearing was held pursuant to Ohio Revised Code Section 2929.19.

Advisory Counsel, Timothy Hart, the Assistant Prosecuting Attorney, Eugene Muldowney, and James Eskridge of Adult Probation were present as was the Defendant, David Feathers, who was afforded all rights pursuant to Crim. R. 32.

The Court has considered evidence presented by counsel, oral statements, any victim impact statement, the pre sentence report and Defendant's statement.

The Court finds that the Defendant, David Feathers, has entered a Written Plea of Guilty pursuant to Crim. R. 11(F) Plea Negotiations to Count One of the Indictment, charging the Defendant with the offense of "Aggravated Burglary" a felony of the first degree, and in violation of R.C. 2911.11(A)(2)(B), Count Two, "Felonious Assault" a felony of the second degree, in violation of R.C. 2903.11(A)(1)(2)(B) and Count Three, "Domestic Violence" a felony of the fifth degree, in violation of R.C. 2919.25.

IT IS THEREFORE ORDERED that the Defendant is sentenced to the Ohio Department of Rehabilitation and Correction, Grafton, Ohio to a definite term of imprisonment of eight (8) years to be served for felony one, four years to be served for the felony two and one year to be served for

the felony five, all of which shall run consecutive to one another, or until such time as he is otherwise legally released.

The Court thereupon notified the Defendant that after release from prison, the Defendant may be supervised under post release control R.C. 2967.28 and that if the Defendant violates the terms of the post-release control, the Defendant could receive an additional prison term not to exceed 50 percent of his original prison term.

IT IS FURTHER ORDERED Defendant shall receive credit for the **all** days he has spent in the Portage County Jail **and** in prison in the above styled offense. This credit included jail time up to the date of sentencing and does not include any subsequent time awaiting conveyance to the reception facility. The Defendant was brought back to the Portage County Jail on December 6, 2007 and has remained there for a total of two hundred fourteen (214) days, as of July 7, 2008, the date of Sentence. All of Defendant's time shall be calculated by reception facility.

The Court notified Defendant under federal law persons convicted of felonies can never lawfully possess a firearm and 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.

IT IS FURTHER ORDERED while in prison Defendant shall attend two AA meetings per week.

IT IS FURTHER ORDERED the Defendant shall have no contact with the complaining witness.

IT IS FURTHER ORDERED upon release from prison Defendant shall undergo a mental health aftercare counseling.

IT IS FURTHER ORDERED the bond previously fixed herein is discharged.

IT IS FURTHER ORDERED that the pre sentence investigation report and any victim impact

IN THE COURT OF COMMON PLEAS
PORTAGE COUNTY, OHIO

STATE OF OHIO,	)	**CASE NO. 2004 CR 0424**
Plaintiff	)	
	)	**JUDGE LAURIE J. PITTMAN**
-vs-	)	
DAVID E FEATHERS	)	**ORDER AND JOURNAL ENTRY**
Defendant	)	

FILED
COURT OF COMMON PLEAS
FEB 09 2015
LINDA K. FANKHAUSER, CLERK
PORTAGE COUNTY, OHIO

This matter came before the Court on Friday, February 6, 2015 for a Hearing on Motion for Judicial Release.

Present in Court was the Assistant Prosecuting Attorney, Steve Michniak, appearing on behalf of the State of Ohio and Defendant represented by Attorney George Keith.

The Motion for Judicial Release is well taken and Defendant shall be released from Portage County Jail on February 13, 2015 at 8:30 a.m.

IT IS THEREFORE ORDERED Defendant shall be placed on the general control of the Portage County Adult Probation Department, in the Intensive Supervision Program for a period of twelve months and forty-eight additional months, under the General Division of Probation, or until this Court has been notified by Adult Probation that the Defendant has satisfied all conditions of said community control. The Defendant shall abide by all of the standard rules and shall have the following special terms and conditions:

1. Defendant shall have no contact with the victim in this matter.
2. Defendant shall become full time employed within six months and maintain said employment throughout probation.

IT IS SO ORDERED.

JUDGE LAURIE J. PITTMAN
COURT OF COMMON PLEAS

cc: Assistant Prosecuting Attorney
Attorney for Defendant
Adult Probation Department
Sheriff
ODC

11

IN THE COURT OF COMMON PLEAS

PORTAGE COUNTY, OHIO

STATE OF OHIO,	)	CASE NO. 2016 CR 0695
Plaintiff,	)	CASE NO. 2004 CR 0424
	)	JUDGE LAURIE J. PITTMAN
-v-	)	SENTENCING
DAVID E. FEATHERS,	)	MOTION TO MODIFY
Defendant.	)	

- - - - -

BE IT REMEMBERED that on the 15th day of May, 2017, in the Portage County Common Pleas Court, Ravenna, Ohio, before the Honorable Judge Laurie J. Pittman, the appearances listed having been made, the following proceedings were had:

- - - - -

Ex 3

APPEARANCES:

Mr. Eric P. Finnegan, Esquire

On Behalf of the State.

Mr. George Keith, Esquire

Mr. Michael Giulitto, Esquire

On Behalf of the Defe

Adult Probation Depa

1 - - - - -

2 P-R-O-C-E-E-D-I-N-G-S

3 - - - - -

4 THE COURT: This is Case Number 16

5 CR 695, State of Ohio versus David Feathers.

6 Mr. Keith and Mr. Giulitto are here on

7 behalf of the Defendant; Mr. Finnegan on behalf

8 of the State.

9 The Defendant pled guilty to a Felony

10 of the Third Degree, Failure To Control With An

11 Order or Signal of a Police Officer, which may

12 bring with it up to 36 months in prison, up to a

13 $10,000.00 fine and court costs, and a three

14 year to lifetime license suspense.

15 There is also a Motion to Revoke on 04

16 CR 424, where the Defendant was granted a

17 judicial release.

18 Let's go through the sentencing first.

19 Mr. Keith?

20 MR. KEITH: Thank you, Your Honor.

21 If it please the Court?

22 Mr. Feathers is now 57 years old.

[illegible] question that he has an ext[illegible]

[illegible] but goes back a long w[illegible]

[illegible] here is, is in prison

1 [illegible] he had achieved some sense of grace or
2 peace that -- I've known his family for 30 years
3 one way or the other -- that I've never seen.
4 He'll probably not like me saying this, but his
5 father creates enough chaos in anybody's life
6 that it's been difficult for me to interact with
7 him when I've represented Eugene Feathers'
8 children in a courtroom. One time I had to
9 admonish him during a different trial.
10 In any event, Mr. Feathers was raised
11 in that chaos, and I think he also was blessed
12 with a gene that makes him so toxic to alcohol
13 that the first drink becomes a tragedy for him.
14 And in this case, in the pre-sentence
15 he's very candid with you about what he did,
16 what he chose to do, and what it's about.
17 When he was in prison he was involved
18 with Reformers United I think it was. I think
19 that part of the 12 steps is giving it back, you
20 keep it. I think that allowed him to do it.
21 When he got out he ended up disconnected from
22 that because he wasn't allowed in the prisons
23 because he was on probation. And he didn't
24 [illegible] into his substance abuse to
25 [illegible] anywhere else.

80

1 Since this, you have the letters of the
2 different places he's reconnected and I think
3 his lifetime commitment to sobriety at this
4 point.
5 The Court, if it did choose to punish
6 him and place him in prison, there's no guidance
7 from a felony three either way.
8 During the time, other than this event,
9 during the time that he's been out on judicial
10 release, would appear that he has lived a very
11 productive, and, otherwise, law-abiding life.
12 Without the alcohol he wasn't a problem to
13 anybody or any other person, was working very
14 hard. Probation -- the letter from the Summit
15 County Probation Officer, who was very pleased
16 with his participation, and we would ask you --
17 he's gonna plead guilty to the probation
18 violation on the earlier case he was on judicial
19 release from, and ask you to put him in a
20 position where he's monitored very, very
21 intensely and you'll give him -- I think
22 Mr. Giulitto will address some other things,
23 once, again, this is a person who you
24 [illegible] him and put him in prison, Your Honor.
25 [illegible] bond, I think that, you

1 person -- all know says alcoholics occasionally
2 need to take a field trip to find out they can't
3 be social drinkers at all ever. This gentleman
4 took that field trip and he has found that out,
5 and I think you can see his commitment and it
6 has been real to you.
7 Thank you.
8 THE COURT: Mr. Finnegan, I'm very
9 aware of this case. We've discussed it on and
10 off for some time.
11 MR. FINNEGAN: Well - and,
12 obviously, at this point, given the nature of
13 the offense and the fact that he was on a
14 judicial release when this happened, I know
15 Mr. Keith indicated he otherwise led a
16 law-abiding life during the time he was on
17 judicial release, but this is kind of a pretty
18 big step off the cliff if that's the case.
19 At this point, we don't believe that he
20 is amenable to community control sanctions, and
21 we believe that the Court needs to impose a
22 prison term on this, as well as the revocation.
23 Thank you.
24 THE COURT: Mr. Feathers, I'd like
25 to hear from you.

1 THE DEFENDANT: Well, there's no
2 way that I can justify any of this. It's
3 wrong. And that's -- that's the sad truth about
4 it. I truly did want to get involved in going
5 back into the prisons when I got out.
6 THE COURT: Well, you're doing a
7 good job of it.
8 THE DEFENDANT: I mean as a free
9 man.
10 I worked hard. I was told as long as I
11 was on probation I could get back into the
12 prison system, so I worked hard to get off that
13 to achieve that part.
14 During that process, I lost my way of
15 understanding that I have to be involved with
16 something in order to keep my life straight and
17 productive, and to keep alcohol completely out
18 of my life.
19 During the process of that, I lost my
20 way of that and I chose to drink that night --
21 [illegible] did that, when I chose to take [illegible]
22 [illegible] the temptation [illegible]
23 [illegible] of the consequences [illegible]

admits to violating the terms and conditions of his probation; therefore, more restrictive sanctions are necessary.

I will run all these probation conditions concurrent with 16 CR 695. Sentence -- sentences, if you violate, will be consecutive, but I'm running the probation concurrent.

On Case Number 16 CR 695, I am going to find that you are amenable to community control sanctions and I'm going to sentence you in the following manner:

I will sentence you to 180 days in jail, that 180 days is starting from today. I will grant you work privileges.

You will be placed on 12 months intensive supervised probation, 36 months basic probation.

I want you to have a mental health evaluation performed, follow all recommendations [illegible] evaluation, that will be overseen [illegible] probation department.

[illegible]

1 probation department.
2 You will pay a fine of $500.00 and
3 court costs, as well as any assessment
4 recoupment fee. I'm going to allow you 36
5 months to pay. If you cannot pay, I will allow
6 you to do community work service of up to 40
7 hours a week at $10.00 per hour until paid in
8 full. Your court costs are currently $222.00,
9 so to work this off you have to do 72.2
10 community work service hours.
11 You will also receive a 20-year license
12 suspension. At some juncture, I may grant you
13 driving privileges, but at this juncture I'm not
14 going to.
15 Lastly, I want you to become full-time
16 employed within nine months, maintain full-time
17 employment throughout your probation.
18 Sir, if you violate any of these terms
19 or conditions, I may give you a longer period
20 under court control, greater restrictions, or a
21 prison term of 36 months on this felony of the
22 [illegible] degree, as well as all the time [illegible]
23 [illegible] case to run consecutive [illegible]
24 [illegible] understand that?
25 [illegible]

1 THE COURT: Sir, as a convicted
2 felon you may not own or possess any firearms.
3 Do you have any questions?
4 THE DEFENDANT: No, I don't.
5 THE COURT: Mr. Keith?
6 MR. KEITH: Thank you, Your Honor.
7 If I may?
8 Mr. Feathers is currently self-employed
9 doing home remodeling things. He has certain
10 projects going now. Would his work release
11 extend to allow him to be released to finish
12 those projects, and then any other credible
13 projects?
14 THE COURT: They're going to have
15 to check from the jail and see whether or not
16 they're credible, and then I will sign off if
17 they're credible.
18 But you will go with the officers now.
19 You're lucky you're not going back to prison
20 right now.
21 MR. GIULITTO: Thank you, Your
22 Honor.
23 THE COURT: Thank you.
24 (Concluded.)

08:09 am, Aug 15, 2019
DEBORAH A. MYERS
CLERK OF COURTS
ASHLAND COUNTY, OHIO

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

STATE OF OHIO,

Plaintiff,

vs. **Case No. 19-CRI-062**

DAVID FEATHERS,

JUDGMENT ENTRY-SENTENCING

Defendant.

This matter came before the Court, on the 12th day of August, 2019 for sentencing. The State of Ohio was present in open court represented by Assistant Prosecuting Attorney Victor R. Perez. The Defendant was present in open court represented by Attorney George G. Keith.

The Defendant previously pled guilty to the following offense(s): **FAILURE TO COMPLY WITH ORDER OR SIGNAL OF POLICE OFFICER**, in violation of Ohio Revised Code section(s) 2921.331(B), a felony of the third degree; **OPERATING A VEHICLE UNDER THE INFLUENCE OF ALCOHOL AND/OR DRUGS-OVI**, in violation of Ohio Revised Code section(s) 4511.19(A)(1)(f)), a misdemeanor of the first degree; **DRIVING UNDER SUSPENSION OR IN VIOLATION OF LICENSE RESTRICTION**, in violation of Ohio Revised Code section(s) 4510.11(A), a misdemeanor of the first degree;

JM#1

and **POSSESSING CRIMINAL TOOLS**, in violation of Ohio Revised Code section(s) 2923.24(A), a felony of the fifth degree.

The Court advised the parties that the Court had received and reviewed a full and complete Pre-Sentence Investigation Report from Oriana House prior to the hearing. Both the State and the Defendant reviewed the Pre-Sentence Investigation prior to the hearing.

Prior to imposing sentence, the Court gave defense counsel an opportunity to speak on behalf of the Defendant, which he did. The Court addressed the Defendant personally and asked him if he wished to make a statement on his own behalf or present any information in mitigation of punishment, which he did. The State of Ohio spoke with regard to sentencing.

The Court reviewed the purposes of felony sentencing as set forth in Ohio Revised Code Section 2929.11. Specifically, the Court noted that:

- The overriding purposes of felony sentencing is to punish the offender and protect the public from future crime committed by the offender and others using the minimum sanctions that the Court determines accomplish those purposes without imposing an unnecessary burden on state or local government resources.
- The Court must always consider the need for incapacitation, deterrence, rehabilitation and restitution.
- The sentence should be commensurate with, and not demeaning to, the seriousness of the offender's conduct and its impact on the victim and consistent with sentences for similar crimes by similar offenders.
- The sentence must not be based on the offender's race, ethnicity, gender or religion.

JM#2

In fashioning a sentence in this case, the Court has fully considered the provisions of O.R.C. Chapter 2929, the circumstances of the offense, the information contained in the pre-sentence investigation and the information furnished by the parties to this case. Based upon the facts and circumstances 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.

Based upon consideration of the purposes and principles of the felony sentencing law, the statutory sentencing factors, and after weighing the above findings, this Court finds that the Defendant is NOT amenable to community control sanctions and that a prison sentence is consistent with the purposes and principles of the felony sentencing law of Ohio and that community control is not required.

As stated in Count One of the Indictment for the offense of **FAILURE TO COMPLY WITH ORDER OR SIGNAL OF POLICE OFFICER**, in violation of Ohio Revised Code section(s) 2921.331(B), a felony of the third degree, the Defendant is sentenced to twelve (12) months under the authority of the Ohio Department of Rehabilitation and Correction for placement in an appropriate penal institution and fined zero dollars ($0.00).

As stated in Count Two of the Indictment for the offense of **OPERATING A VEHICLE UNDER THE INFLUENCE OF ALCOHOL AND/OR DRUGS-OVI**, in violation of Ohio Revised Code section(s) 4511.19(A)(1)(f), a misdemeanor of the first degree, the Defendant is sentenced to ninety (90) days under the authority of the Ashland County Jail and fined a mandatory three hundred seventy-five dollars ($375.00).

JM#3

The sentence imposed for Count Two shall be served CONCURRENTLY to the sentence imposed for Count One.

As stated in Count Three of the Indictment for the offense of **DRIVING UNDER SUSPENSION OR IN VIOLATION OF LICENSE RESTRICTION**, in violation of Ohio Revised Code section(s) 4510.11(A), a misdemeanor of the first degree, the Defendant is sentenced to ninety (90) days under the authority of the Ashland County Jail and fined zero dollars ($0.00).

The sentence with regard to Count Three shall be served CONCURRENTLY to the sentence(s) imposed for Counts One and Two.

As stated in Count Four of the Indictment for the offense of **POSSESSING CRIMINAL TOOLS**, in violation of Ohio Revised Code section(s) 2923.24(A), a felony of the fifth degree, the Defendant is sentenced to six (6) months under the authority of the Ohio Department of Rehabilitation and Correction for placement in an appropriate penal institution and fined zero dollars ($0.00).

The sentence with regard to Count Four shall be served CONCURRENTLY to the sentence(s) imposed for Counts One, Two, and Three.

The Court noted that it is sentencing the Defendant to an aggregate prison term of twelve (12) months and to an aggregate fine of three hundred seventy-five dollars ($375.00).

It is hereby ORDERED that the Defendant shall receive credit for 95 days of local jail time thru August 12, 2019, and he shall receive one (1) additional day's credit for each day served while awaiting transfer to the receiving institution.

JM#4

The Court notified the Defendant of the possibility of the applicable periods of post-release control and the potential consequences of a violation of post-release control. Upon completion of the prison term ordered herein, the Defendant shall be subject to a discretionary term of up to three (3) years post-release control as determined pursuant to Ohio Revised Code Section 2967.28. The Defendant was advised that if he violates the terms of post-release control, the adult parole authority may impose a more restrictive sanction, or the parole board may return the Defendant to prison for up to nine (9) months, but not more than half of the original prison sentence. The Court further advised that if the Defendant commits a new felony while on post-release control, he may be given a prison sanction of a minimum of one (1) year up to the time remaining on post-release control, in addition to any sentence received on the new felony offense. The Defendant acknowledged his understanding of the Court's explanation of post-release control. For purposes of post-release control, the Court FINDS that the Defendant's county of residence is Summit County, Ohio.

The Court remained silent as to the Ohio Department of Rehabilitation and Correction placing the Defendant in a Boot Camp or Intensive Prison Program.

The Court advised the Defendant of the possibility of up to 8% earned good credit against his prison sentence as determined by the Ohio Department of Rehabilitation and Correction.

The Court advised the Defendant of the possibility of a 90 day/10% reduction against his prison sentence for participating in various treatment and/or educational programs as determined by the Ohio Department of Rehabilitation and Correction.

JM#5

The Court informed the Defendant of his right to appeal the sentence, and of his right to court-appointed counsel to represent him in the appeal, if he were indigent. 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 his appellate rights.

The Defendant's operator's license shall be SUSPENDED for a period of three (3) years, from August 12, 2019 to August 11, 2022, for the offense in Count One in the indictment.

The Defendant's operator's license shall be SUSPENDED for a period of one (1) year, from August 12, 2019 to August 11, 2020, for the offense in Count Two in the indictment.

The Court noted that the Defendant's operator's license suspension in Count Two shall be CONCURRENT to the Defendant's operator's license suspension in Count One, for an aggregate license suspension of three (3) years.

The Defendant is ORDERED to pay court costs in this case, including a sum of $30.00, taxed as costs pursuant to Ohio Revised Code Section 2949.091, a sum of $25.00, taxed as court costs pursuant to Ohio Revised Code Section 120.36, and a sum of $30.00, to be paid over to the Treasurer of the State of Ohio, pursuant to Ohio Revised Code Section 2743.70.

The Defendant is remanded to the custody of the Ashland County Sheriff's Office to await transportation to a state penal receiving institution. The Clerk of Courts is

JM#6

Appendix U

THE NOTICE OF APPEAL THAT THE BOGUS DOCUMENT, INSTRCTIONS TO THE CLERK, WAS LEFT INCERTED ON. THE NOTICE OF APPEAL does NOT SHOW THAT THE INSTRUCTIONS TO THE CLERK WAS TO BE APPEALED, RATHER DESCRIBES ORDER TO MODIFY AND REVOKE, THE TRUE JUDGMENT ORDER THAT SHOULD HAVE BEEN REVIWED BUT WAS REOMVED FROM ALL FOLLWING COURT PROCCEDINGS AND JUDGMENTS. STATE OF OHIO V DAVID E. FEATHERS, IN CASE NO 2004 CR 0424

FILED
COURT OF COMMON PLEAS
APR 06 2017
JILL FANKHAUSER, Clerk
PORTAGE COUNTY, OH

IN THE COURT OF COMMON PLEAS
PORTAGE COUNTY, OHIO

STATE OF OHIO

VS.

DAVID FEATHERS
PROBATIONER

CASE NO. 2004 CR 0424

INSTRUCTIONS TO CLERK

TO THE CLERK OF COURTS:

YOU ARE HEREBY INSTRUCTED TO ISSUE A SUMMONS AND A MOTION TO REVOKE/MODIFY PROBATION TO THE ABOVE NAMED PROBATIONER BY CERTIFIED MAIL. A HEARING ON THE MOTION TO REVOKE/MODIFY PROBATION IS SCHEDULED FOR 4-21-17 at 9:30am.

PROBATIONER'S ADDRESS:
2061 EDGEVIEW DRIVE
HUDSON OH 44236

JUDGE OR MAGISTRATE

on State court record,
this bogus entry was inserted
into the record after the MAY 17, 2017
judgment entry was removed and
replaced used to prevent any
further Reviews of the unlawfull
judgment orders

E. 8(c)

NOTICE OF APPEAL

Portage County Court Of Common Pleas
(ENTER NAME OF TRIAL COURT)

Trial Court No. 2004 CR 0424

State of Ohio
Plaintiff-Appellee

- vs -

David E Feathers

Defendant-Appellant

Court of Appeals No. 2020PA00068

FILED
COURT OF COMMON PLEAS
SEP 04 2020
JILL FANKHAUSER, Clerk
PORTAGE COUNTY, OH

FILED
COURT OF APPEALS
SEP 04 2020
JILL FANKHAUSER, Clerk
PORTAGE COUNTY, OH

Notice is hereby given that (name each Appellant)

David E Feathers, In CASE No: 2004 CR 0424
appeals to the Eleventh District Court of Appeals from the trial court Judgment Entry time-stamped 04-06-17
(describe it and attach a copy of each Judgment Entry being appealed)
ORDER to MODIFY REVOKE

☐ Check here if court-appointed and attach copy of appointment and Financial Disclosure/Affidavit of Indigency.

☐ Check here if any co-counsel for Appellant and attach a separate sheet indicating name, address, telephone no. and fax no.

TRANSCRIPT OF PROCEEDINGS INFORMATION - App. R. 9(B)
Counsel or Appellant is responsible for obtaining required information from Court Reporter at the time of filing the Notice of Appeal if a transcript will be ordered.

☐ I have ordered a complete transcript from the court reporter
Estimated completion date: 10-30-20 Estimated number of pages: 257 301 410

☐ I have ordered a partial transcript from the court
Estimated completion date: Estimated number of pages:

☐ A statement pursuant to App. R. 9(C) or (D) is to be prepared in lieu of a transcript.

☐ Videotapes to be filed. See App. R. 9(A) or (B)

☐ No transcript or statement pursuant to either App. R. 9(C) or (D) is necessary.

☐ Transcript has been completed and already made part of the record.

8-25-20
Date

David E Feathers pro se
Signature of Attorney or Appellant

David E Feathers
Name

Marion Correctional
Address

POB 57, Marion, OH 43302
City, State, Zip Code

Pro Se
Atty. Regis. No.

Telephone No. Fax No.

Admin/Forms/New NA.4
Revised 04/12/2010

FILED
COURT OF COMMON PLEAS
OCT 23 2019
JILL FANKHAUSER, Clerk
PORTAGE COUNTY, OH

IN THE COURT OF COMMON PLEAS
PORTAGE COUNTY, OHIO

STATE OF OHIO,	)	**CASE NO. 2004 CR 0424**
Plaintiff	)	
	)	**JUDGE LAURIE J PITTMAN**
-vs-	)	
DAVID E FEATHERS	)	**ORDER AND JOURNAL ENTRY**
Defendant	)	

This matter came before the Court on Monday, October 21, 2019, for a Hearing on Motion to Modify Sanctions.

Present in Court were the Assistant Prosecuting Attorney appearing on behalf of the State of Ohio and the Defendant represented by Attorney George Keith. Also present was Adult Probation.

The Warrant is recalled.

The Court finds the Defendant was originally sentenced in this matter on April 5, 2005. Defendant was credited with 152 days served in jail.

The Court finds further finds on Monday, July 7, 2008 Defendant was again sentenced in this matter to the Ohio Department of Rehabilitation and Corrections for a definite period of Eight (8) years, to be served for the offense of "Aggravated Burglary", Four (4) years to be served for the offense of "Felonious Assault" and One (1) year to be served for the offense of "Domestic Violence", or until legally released. It was ordered that the Defendant receive credit for all the days he served in jail and in prison previously. Defendant was also credited with 214 days served from December 6, 2007 to the date of sentence in this matter July 7, 2008.

The Court further finds on February 13, 2015 (date released from the jail) Defendant was granted Judicial Release in this matter and placed on probation. The Court further finds Defendant has violated terms of probation and local sanctions are no longer

IT IS THEREFORE ORDERED Defendant's probation is revoked and Defendant shall serve the balance of his prison term. Defendant shall receive credit for all the time served in the Portage County Jail and in prison in this matter. That time shall be calculated by the reception facility. (Defendant served five days in jail after judicial release up to the date of this hearing).

The Court thereupon notified the Defendant that after release from prison, the Defendant will be supervised under **mandatory** post release control R.C. 2967.28 for five years and that if the Defendant violates the terms of the post-release control the Defendant could receive an additional prison term not to exceed 50 percent of his original prison term.

IT IS FURTHER ORDERED the Clerk of Courts shall prepare an Order for the Portage County Sheriff's Department to convey the Defendant to the aforementioned facility.

IT IS SO ORDERED.

JUDGE LAURIE J PITTMAN

cc: Assistant Prosecuting Attorney
Attorney for Defendant
Adult Probation
Sheriff

IN THE COURT OF COMMON PLEAS
PORTAGE COUNTY, OHIO

STATE OF OHIO,

Plaintiff

-vs-

DAVID E FEATHERS

Defendant

FILED
COURT OF COMMON PLEAS
OCT 23 2019
JILL FANKHAUSER, Clerk
PORTAGE COUNTY, OH

CASE NO. 2016 CR 0695

JUDGE LAURIE J. PITTMAN

JUDGMENT ENTRY

This matter came before the Court on Monday, October 21, 2019 for a Hearing on Motion to Revoke and Modify Sanctions.

Present in Court were the Assistant Prosecuting Attorney appearing on behalf of the State of Ohio and the Defendant represented by Attorney George Keith. Also present was the Adult Probation Department.

The Warrant is recalled.

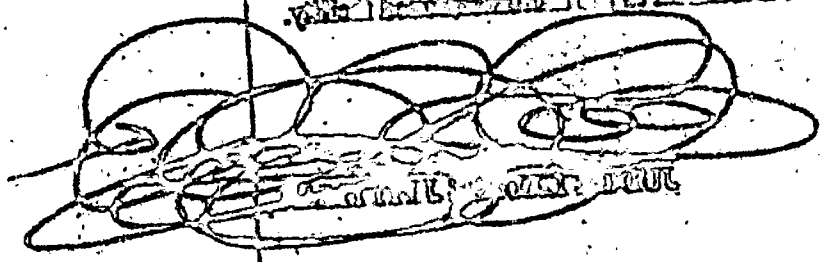
The Court finds the Motion to Revoke and Modify Sanctions is well taken. This is not a technical violation therefore a more restrictive sanction is necessary.

The Court finds that the Defendant was previously sentenced on Count One of the Indictment charging the Defendant with the offense of "Failure to Comply", a felony of the third degree, in violation of R.C. 2921.331.

The Court considered the overriding principles of 2929.19 : to protect the public from future crimes by the Defendant and to punish the Defendant using the minimum sanctions that the Court determines to accomplish those purposes without imposing an unnecessary burden on state or local government resources and the need for incapacitating the Defendant, deterring the defendant and others from future crime and rehabilitating the Defendant.

The Court also considered the oral statements made by counsel and the Defendant's statement.

Weighing all factors, a prison term is consistent with the purpose and principles of 2929.19 and



Assistant Prosecuting Attorney
Attorney for Defendant
Adult Probation
Email

IN THE COURT OF COMMON PLEAS
PORTAGE COUNTY, OHIO

STATE OF OHIO,	)	CASE NO. 2016 CR 0695
Plaintiff,	)	CASE NO. 2004 CR 0424
-v-	)	JUDGE LAURIE J. PITTMAN
DAVID E. FEATHERS,	)	MOTION TO REVOKE
Defendant.	)	

- - - - -

BE IT REMEMBERED that on the 21st day of October, 2019, in the Portage County Common Pleas Court, Ravenna, Ohio, before the Honorable Judge Laurie J. Pittman, the appearances listed having been made, the following proceedings were had:

- - - - -

Ex 8

APPEARANCES:

Mr. Sean Scahill, Esquire
On Behalf of the State

Mr. George Keith, Esquire
On Behalf of the Defendant

Also Present:

Mr. Frank Fellows, Court Probation Department

1 County. I'd ask that it consider continuing on
2 probation, intensive supervision, and making
3 sure that he gets some very in depth
4 counseling. Because, otherwise, when he gets
5 out, I have a feeling that alcohol will be a
6 tremendous challenge for him. And I humbly tell
7 you he thought he can do it on his own and he
8 can't.
9 His wife had been diagnosed with
10 cancer. He considers her to be the best friend
11 he ever had in his life. He started spinning
12 out of control and started drinking again.
13 Thank you, Your Honor.
14 THE COURT: I'd like to hear from
15 you, Mr. Feathers.
16 THE DEFENDANT: As Attorney Keith
17 mentioned, the facts are true this time. My
18 wife was diagnosed with cancer and [illegible] me
19 [illegible] on my face [illegible]

1 I have to get this under control. I couldn't
2 figure out why a relapse was happening. I
3 haven't had anybody trying to help and I've been
4 doing it on my own, other than my wife.
5 What I was doing was, I think was going
6 to a lot of meetings and not doing it. I was
7 going and not doing. And I was walking with a
8 false sense of accomplishment. And it wasn't a
9 solid footing for me. The light truly didn't go
10 on yet to why I'm relapsing, why this is
11 happening until a meeting with Probation Officer
12 Hank Gibson looked at me and he said, you're
13 fooling yourself. And I wondered, you know, I
14 took that under consideration. I thought, I am
15 fooling myself. And the reason I was fooling
16 myself is I'm just going to these meetings. I'm
17 not getting involved like I should be. And I'm
18 trying to do it on my own and I can't. I just
19 can't do it on my own.
20 I do have an opportunity
21 [illegible]
22 [illegible]
23 [illegible]
24 [illegible]
25 [illegible]

THE DEFENDANT: Yes.

THE COURT: No one else would.

THE DEFENDANT: Yes.

THE COURT: I'm going to find that the Defendant is no longer amenable to community control sanctions and I'm going to terminate his probation, impose the balance of the prison term. That will run consecutive to anything from Ashland County that has not been fulfilled.

I will credit the Defendant with all the time served to date on these cases.

Sir, you may be subject to post-release control pursuant to Ohio Revised Code 2967.28. If you violate the terms of your post-release control, you could receive an additional prison term not to exceed fifty percent of your [illegible] term.

[illegible] post-release [illegible]

[illegible]

Mr. Keith?

MR. KEITH: No. Thank you.

THE COURT: Anything else, Mr. Scahill?

MR. SCAHILL: No, Your Honor.

THE COURT: I hope you live true to your word and do what you have to do once you get out.

(Concluded.)

1 REPORTER'S CERTIFICATE

2 I HEARBY CERTIFY that the above and
3 foregoing, consisting of eight (8) pages,
4 inclusive, is a true and accurate transcription
5 of a hearing taken by me at the time of these
6 proceedings and subsequently transcribed by me
7 by means of computerized transcription.
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15 Amanda Goldberg
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FILED
COURT OF COMMON PLEAS
AUG 01 2018
JILL FANKHAUSER, Clerk
PORTAGE COUNTY, OH

IN THE COURT OF COMMON PLEAS

PORTAGE COUNTY, OHIO

STATE OF OHIO	)	CASE NUMBER: 2016 CR 00695
	)	2004 CR 00424
PLAINTIFF	)	
	)	JUDGE LAURIE J. PITTMAN
VS.	:	ORDER AND JOURNAL ENTRY
DAVID E. FEATHERS	)	
DEFENDANT	)	
	)	

On July 26, 2018 upon the recommendation of the Portage County Adult Probation Department and for good cause shown, IT IS HEREBY THE ORDER of this Honorable Court that the Defendant's Intensive Supervised Probation be extended six (6) months to allow the Defendant to come in compliance with court ordered obligations.

IT IS SO ORDERED.

LAURIE J. PITTMAN
JUDGE

PCAP/ HTG

CASE NO. _____

IN THE SUPREME COURT OF THE UNITED STATES

DAVID E. FEATHERS	:
Petitioner,	:
-vs-	:
ELEVENTH DISTRICT COURT OF	:
APPEALS OF OHIO,	:
Respondent.	:

ON PETITION FOR WRIT OF CERTIORARI TO THE SUPREME COURT OF OHIO

APPENDIX TO PETITION FOR WRIT OF CERTIORARI

FOR PETITIONER:

David E. Feathers
2061 (B) Edgeview Dr.
Hudson, Ohio 44236

Petitioner, in pro se

FOR APPELLEE:

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Statutory Counsel for Respondent

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