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IN THE COURT OF COMMON PLEAS
LAKE COUNTY, OHIO

MAUREEN G. KELLY
STATE CLERK OF COURT
STATE OF OHIO

Plaintiff

vs.

MANSON M. BRYANT

Defendant

CASE NO. 18-CR-000732

JUDGMENT ENTRY OF SENTENCE

JUDGE EUGENE A. LUCCI

DOCKETED

This day, to-wit: March 1, 2019, this matter came on for Defendant's sentencing hearing pursuant to R.C. 2929.19 with the Lake County Prosecuting Attorney, Charles E. Coulson, by and through Alexandra E. Kutz, Assistant Prosecuting Attorney, on behalf of the State of Ohio, and the Defendant, Manson M. Bryant, represented by Daniel J. Williams, Esquire, and Jerome Emoff, Esquire, being present in court. The Court hereby denies Defendant's Motion for New Trial.

The Defendant previously was found "Guilty" by a Jury of Count 1, Aggravated Burglary, a Felony of the First degree, in violation of Section 2911.11(A)(1) of the Ohio Revised Code, with a Firearm Specification as set forth in Section 2941.145 of the Ohio Revised Code and with a Firearm Specification as set forth in Section 2941.141 of the Ohio Revised Code; Count 2, Aggravated Burglary, a Felony of the First degree, in violation of Section 2911.11(A)(2) of the Ohio Revised Code, with a Firearm Specification as set forth in Section 2941.145 of the Ohio Revised Code and with a Firearm Specification as set forth in Section 2941.141 of the Ohio Revised Code; Count 3, Aggravated Robbery, a Felony of the First degree, in violation of Section 2911.01(A)(1) of the Ohio Revised Code, with a Firearm Specification as set forth in Section 2941.145 of the Ohio Revised Code and with a Firearm Specification as set forth in Section 2941.141 of the Ohio Revised Code; Count 4, Kidnapping, a Felony of the First degree, in violation of Section 2905.01(A)(2) of the Ohio Revised Code, with a Firearm Specification as set forth in Section 2941.145 of the Ohio Revised Code and with a Firearm Specification as set forth in Section 2941.141 of

the Ohio Revised Code; Count 5, Abduction, a Felony of the Third degree, in violation of Section 2905.02(A)(2) of the Ohio Revised Code, with a Firearm Specification as set forth in Section 2941.145 of the Ohio Revised Code and with a Firearm Specification as set forth in Section 2941.141 of the Ohio Revised Code; and Count 7, Carrying Concealed Weapons, a Misdemeanor of the First degree, in violation of Section 2923.12(A)(2) of the Ohio Revised Code.

The Court previously found the Defendant "Guilty" of Count 6, Having Weapons While Under Disability, a Felony of the Third degree, in violation of Section 2923.13(A)(2) of the Ohio Revised Code, and Count 7 (pertaining to the Defendant's prior conviction), Carrying Concealed Weapons, making it a felony of the Fourth Degree, in violation of Section 2923.12(A)(2) of the Ohio Revised Code. The Court also found the Defendant "Guilty" of the forfeiture specification for each count.

For purposes of sentencing, the Court found that Count 2 merges into Count 1; Count 5 merges into Count 4; Count 4 merges into Count 3; the jury's Carrying Concealed Weapons ruling merges with the Judge's Carrying Concealed Weapons ruling, so Count 7 is Carrying Concealed Weapons, a Felony of the Fourth degree, due to the prior conviction; and the one (1) year firearm specifications merge into the three (3) year firearm specifications.

The Court has considered the factors under Revised Code Section 2929.13(B) and finds that the Defendant caused serious psychological harm to both victims and caused serious economic harm to one victim; the Defendant committed the offenses as part of organized criminal activity; the Defendant has a history of juvenile delinquency adjudications and criminal convictions; the Defendant committed the offense while under post release control; the Defendant has served prior prison terms; the offenses involved a firearm; the Defendant has not responded favorably to previous sanctions; the Defendant shows a pattern of alcohol and/or drug use; and the Defendant has no genuine remorse.

The Court finds that the offenses in Counts 1 and 3 are subject to a presumption in favor of prison under division (D) of section 2929.13 of the Ohio Revised Code.

The Court has considered the record, oral statements, any victim impact statement, pre-sentence report and/or drug and alcohol evaluation submitted by the Lake County Adult Probation Department of the Court of Common Pleas, as well as the principles and purposes of sentencing under R.C. 2929.11, and has balanced the seriousness and recidivism factors under R.C. 2929.12.

In considering the foregoing, and for the reasons stated in the record, this Court finds that a prison sentence is consistent with the purposes and principles of sentencing set forth in R.C. 2929.11 and that Defendant is not amenable to an available community control sanction.

The Court finds that Defendant was afforded all rights pursuant to Crim.R. 32 and was given the opportunity to speak before judgment and sentence was pronounced against him.

IT IS HEREBY ORDERED:

That the Defendant serve a stated prison term of eleven (11) years in prison on Count 1; eleven (11) years in prison on Count 3; thirty-six (36) months in prison on Count 6; and eighteen (18) months in prison on Count 7. The sentences imposed in Count 1 and Count 3 are to be served consecutive to each other; the sentences imposed in Count 6 and Count 7 are to be served concurrent with each other and concurrent to the sentence imposed in Counts 1 and 3, for a total of twenty-two (22) years in prison. Said prison term shall be served at the Lorain Correctional Institution, Grafton, Ohio with two hundred thirty-one (231) days of credit for time already served.

That Defendant is to serve an additional term of three (3) years as a mandatory prison term for the firearm specifications in Count 1 and Count 3, said sentences to be served consecutive to each other, for a total of six (6) mandatory years in prison, said sentence to be served prior to and consecutive to the above prison term pursuant to R.C. §2929.14(B)(1) and R.C. §2929.14(C)(1), for a total of twenty-eight (28) years in prison.

That the Defendant's Post Release Control is terminated and the balance of six hundred twenty-three (623) mandatory days is imposed. Said sentence is to be served prior to and consecutive to the above prison term. The Defendant's prison sentence is to be served in this order: Post Release Control, firearm specification to Count 1, firearm specification to Count 3, Count 1, then Count 3.

It is further ordered, adjudged and decreed that the following items are forfeited, and, when no longer needed as evidence, shall be disposed of pursuant to R.C. 2981.12, R.C. 2981.13, and R.C. 3719.11(A).

Property:

A Smith & Wesson SD40 pistol and ammunition

Pursuant to R.C. 2929.14(C)(4) and R.C. 2929.19(B)(2)(b), the Court finds for the reasons stated on the record that consecutive sentences are necessary to protect the public from future crime or to punish the Defendant and are not disproportionate to the Defendant's conduct and the danger the Defendant poses to the public; that the Defendant committed one or more of the multiple offenses while under post-release control for a prior offense; that at least two of the multiple offenses were committed as part of one or more courses of conduct, and the harm caused by two or more of the multiple offenses committed by the Defendant was so great or unusual that no single prison term for any of the offenses committed as part of any of the courses of conduct adequately reflects the seriousness of the Defendant's conduct; and the Defendant's history of criminal conduct demonstrates that consecutive sentences are necessary to protect the public from future crime by the Defendant.

The Court, having determined that the defendant is able to pay a financial sanction of restitution or is likely in the future to be able to pay a financial sanction of restitution, hereby orders that the defendant is to make restitution to the victim of the defendant's criminal act, in the amount of One Thousand Two Hundred Ninety-eight Dollars (\$1,298.00), the victim's economic loss. It is further ordered that the payment of restitution will be monitored by the Adult Parole Authority and that all payments of restitution shall be made to the Lake County Clerk of Courts on behalf of the victim. The Clerk of Courts is further ordered to disburse any restitution collected to the victim. This order of restitution is a Judgment in favor of the victim, Arturo Gonzalez, and against the defendant, Manson M. Bryant. Said victim, pursuant to this Judgment, may bring any action to collect said debt as provided for in R.C. 2929.18(D), and/or may accept payment pursuant to a payment schedule that will be determined and monitored by the Adult Parole Authority.

The Court does not recommend that the Defendant be placed in a Shock Incarceration or an Intensive Program Prison (IPP).

The defendant is advised that under certain circumstances specified in R.C. 2967.193, if he is eligible, he may be able to earn days of credit up to 8% of his prison term.

The Court has further notified the Defendant, that post release control is mandatory in this case for five (5) years. If the Defendant violates any of the post-release control conditions, the Adult Parole Authority or Parole Board may impose more restrictive post-release control sanctions, or return Defendant to prison as part of this sentence for up to nine (9) months for each violation; up to a maximum of 50% of Defendant's stated prison term.

If the violation of post-release control is a felony offense, Defendant may be prosecuted for the new offense and the Court which presides over the new felony may impose an additional prison term for the post-release control violation. A prison term imposed for the violation shall be served consecutively to any prison term imposed for the new felony. The maximum prison term for the post-release control violation shall be the greater of twelve (12) months or the period of post-release control for the earlier felony minus any time that Defendant has spent under post-release control for the earlier felony.

That the Clerk of Courts issue a warrant directed to Daniel A. Dunlap, Sheriff of Lake County, Ohio, to convey the said Defendant to the custody of the Lorain Correctional Institution, Grafton, Ohio, forthwith.

Defendant is ordered to pay all court costs and all costs of prosecution in an amount certified by the Lake County Clerk of Courts. Costs of proceedings are assessed against the Defendant for which execution is hereby awarded. Defendant is further ordered to pay any supervision fees as permitted pursuant to R.C. 2929.18(A)(5)(a). Defendant is further ordered to pay cost of confinement to include, if a prison sentence is imposed, the cost of transportation.

Pursuant to R.C. 2947.23(A)(1), the defendant shall pay the costs of prosecution for which judgment is entered against the defendant. The defendant is further notified as follows: If the defendant fails to pay that judgment or fails to timely make payments towards

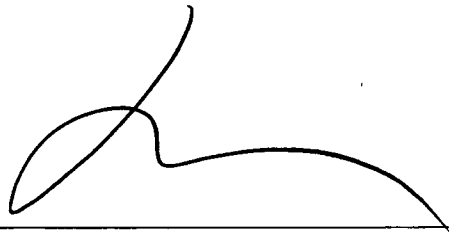
that judgment under a payment schedule approved by the court, the court may order the defendant to perform community service for which the defendant will receive credit upon the judgment at the specified hourly credit rate per hour of community service performed, and each hour of community service performed will reduce the judgment by that amount. Any community service ordered to pay for the costs of prosecution shall be separate from and is in addition to any community service ordered to be performed as part of the community control sanction. Failure to pay the costs of prosecution, or to perform community service in lieu thereof, will result in a finding of contempt and punished by incarceration, even if the defendant has exhausted all potential incarceration time on the underlying charge and even if the defendant is no longer under supervision.

Pursuant to R.C. 2947.09, the failure to pay any fine or costs can result in the blocking of the defendant's motor vehicle registration application or any transfer of registration until the fine or costs have been paid in full.

After imposition of sentence, Defendant was notified of all of his rights to appeal pursuant to Criminal Rule 32(B). The Court hereby denies Defendant's appeals bond and finds the Defendant indigent.

Bond, if any, is hereby released.

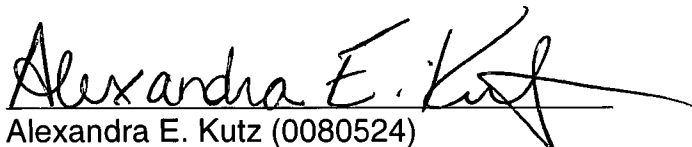
IT IS SO ORDERED.



JUDGE EUGENE A. LUCCI

PREPARED ON MARCH 1, 2019
AT THE DIRECTION OF THE TRIAL COURT:

CHARLES E. COULSON (0008667)
PROSECUTING ATTORNEY



Alexandra E. Kutz (0080524)
ASSISTANT PROSECUTING ATTORNEY
AEK/san