

IN THE COURT OF COMMON PLEAS, CHAMPAIGN COUNTY, OHIO

STATE OF OHIO, \* Case No. 2001 CR 171

Plaintiff, \* **C-05**

- VS - \*

MICHAEL A. GALLUZZO, \* Journal Entry of Judgment,  
Conviction and Sentence

Defendant, \* **FINAL APPEALABLE ORDER**

\* \* \* \* \*

**SENTENCING HEARING DATE**

October 4, 2004

BIANNE GODER, CLERK  
COMMON PLEAS COURT  
CHAMPAIGN COUNTY, OHIO

OCT 22 3 35 PM '04

FILED

**PRESENT**

Prosecutor Nick A. Selvaggio  
Defense Counsel Marc Triplett  
Defendant  
Court Reporter

**CASE HISTORY**

Defendant consented to a Bill of Information filed on June 21, 2004 which contained the following counts:

Count Three - Non Support of Dependents - Ohio Revised Code - 2919.21(A)(2), Fifth Degree Felony.

Count Four - Non Support of Dependents - Ohio Revised Code - 2919.21(B), Fifth Degree Felony.

Count Five - Non Support of Dependents - Ohio Revised Code - 2919.21(A)(2), Fifth Degree Felony.

Count Six - Non Support of Dependents - Ohio Revised Code - 2919.21(B), Fifth Degree Felony.

The Grand Jury returned an indictment, filed on August 16, 2001, which contained the following counts:

Count One - Felony Non-Support of Dependents - Ohio Revised Code - 2919.21(A)(2), Fifth Degree Felony.

Count Two - Felony Non-Support of Dependents - Ohio Revised Code - 2919.21(B), Fifth Degree Felony.

Defendant entered pleas of not guilty.

Upon trial, the jury returned the following verdict:

Count Three - Guilty

Count Four - Guilty

Count Five - Guilty

Count Six - Guilty

Counts one and two were dismissed with prejudice.

**PRE-SENTENCE PROCEDURE**

Investigation ordered

Report provided to Court and made available to both Counsel

**SENTENCING PROCEDURE**

Prosecutor spoke

Defense Counsel spoke

Defendant declined to speak

Court discussed the case with Defendant extended discussion was held concerning the circumstances of the case, including Defendant's long standing record of non payment of child support, Defendant's ability to pay child support and the willingness and ability of family members to assist the Defendant in paying child support.

**SENTENCE**

Count Three      Community Control - Five (5) years  
Fine - \$100.00 - Ordinary

Count Four      Community Control - Five (5) years  
Fine - \$100.00 - Ordinary

Count Five      Community Control - Five (5) years  
Fine - \$100.00 - Ordinary

Count Six      Community Control - Five (5) years  
Fine - \$100.00 - Ordinary

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COMMON PLEAS COURT  
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**CONCURRENT OR CONSECUTIVE**

Concurrent

TOTAL SENTENCE - Five (5) years community control

TOTAL FINE - \$100.00

**DIVISION OF FINES**

Ordinary

**COST PAYMENT**

Defendant to pay - judgment granted - execution awarded

Defendant is ordered to pay back the legal fees, and such fees will be added to the cost of the case.

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**CONDITIONS OF SUPERVISION**

**Standard -**

Probation Officer shall obtain Defendant's signature on Conditions and return a signed copy to the Court.

**Special -**

Defendant shall pay a minimum of fifty dollars (\$50.00) per month by the 28th of each month towards costs and fine beginning **November 28, 2004** and to be paid in full within two (2) years.

Defendant's child visitation exchange shall take place at the St. Paris Police Department.

Defendant shall pay court-ordered child support as set by the Child Support Enforcement Agency of \$252.03 and \$86.66 arrearage and the 2% poundage monthly. First payment by **October 20, 2004** and then the 10th of every month thereafter. If defendant misses a payment he shall be arrested forthwith and revocation of supervision will be considered.

**JAIL TIME CREDIT**

There is no jail time credit as of October 4, 2004.

