

IN THE COURT OF COMMON PLEAS

CLINTON COUNTY, OHIO

State of Ohio :  
 Plaintiff : CASE NO. 94-CR-1  
 -vs- :  
 Stephen D. Gluff :  
 Defendant : JUDGMENT ENTRY

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CLINTON COUNTY  
JOAHN M. CURLISS, CLERK

1994 FEB - 7 PM 3:13

FILED COMMON PLEAS

This cause came on for hearing on the 4th day of January, 1994, with William E. Peelle, Prosecuting Attorney; Retanio Aj Rucker, Assistant Attorney General for the State of Ohio, appearing on behalf of the State of Ohio; and the Defendant, being in Court with his counsel, Thomas R. Smith.

Whereupon, the Defendant waived the formal reading of the Bill of Information and acknowledged service of the same. The court finds, upon inquiry, that the Defendant has knowingly, intelligently and voluntarily waived his right to a Grand Jury investigation of this matter and his right to be charged by way of indictment. Further, the court finds that the Defendant has agreed to proceed by way of Bill of Information. Upon said findings, the Defendant further says that he is Guilty of Illegal Transportation of Hazardous Waste, in violation of Section 3734.02(F) of the Ohio Revised Code, an unclassified Felony as contained in the Bill of Information.

The court further finds that prior to the Defendant entering his plea of Guilty herein, the court explained the Defendant's constitutional and statutory rights which the Defendant also

acknowledged that his counsel had reviewed with him, as well as the facts and law of his case.

The court further finds that the Defendant understood that the Prosecuting Attorney, the office of the Attorney General of the State of Ohio, and the Defendant's counsel had negotiated a plea agreement which the court reviewed in detail with the Defendant. The court further finds that the plea agreement negotiated by the Prosecutor and Defendant's counsel, pursuant to Criminal Rule 11 F, is in exchange for the Defendant's plea of Guilty to Illegal Transportation of Hazardous Waste, in violation of Revised Code Section 3734.02(F), and that the Defendant understood that the negotiated plea agreement was in exchange for his plea of Guilty to such offense. The court further finds that the Defendant did waive any and all defects in procedure and, further, that the State will not oppose a pre-sentence investigation of the Defendant and will make its recommendation for sentencing at the time of sentencing in accordance with the negotiated plea agreement.

The court further finds that the State will not recommend any restitution be made by the Defendant, Stephen D. Gluff, because all restitution has been made by a co-defendant.

The court further finds that the Defendant understands the English language and can read and write English. The court finds that the Defendant acknowledges that he is a citizen of the United States. The court further finds that the Defendant is not now nor has he ever been adjudicated mentally incompetent. The court

further finds that the Defendant was not under the influence of alcohol or drugs at the time of the hearing.

The court further finds that the Defendant had been served with a copy of the Bill of Information and that the Defendant has read the same or had it read to him by his counsel. Further, the court finds that the Defendant did not wish any further explanation of the charges which had been brought against him. The court finds that the Defendant understands the various pleas available to him, which include the pleas of Guilty, Not Guilty, Not Guilty by Reason of Insanity, and No Contest. The court finds that the Defendant has agreed to plead Guilty as a part of a negotiated plea agreement.

The court further finds that the Defendant understands that a Guilty plea to the crime specified constitutes an admission of guilt and a waiver of any and all constitutional, statutory, or factual defenses with respect to such crime in this case. The court finds that the Defendant waives a number of important and substantial constitutional, statutory, and procedural rights, which include, but are not limited to, the right to have a speedy and public trial by jury, the right to confront and cross-examine the State's witnesses who testify against the Defendant's interest, the right to have compulsory subpoena process for obtaining witnesses in the Defendant's favor, the right to require the State to prove the Defendant's guilt beyond a reasonable doubt on the crime herein charged at a trial in which the Defendant cannot be compelled to testify against himself (the right to remain silent while retaining

the Defendant's presumption of innocence which is commonly referred to as the privilege against self-incrimination, which the court finds that the Defendant understands) and the right to appeal the judgment of the trial court should its rulings or verdict be against the Defendant's interest. The court further finds that the Defendant understands that the Defendant is pleading Guilty to a Felony crime which is punishable by a fine of at least ten thousand dollars (\$10,000.00), but not more than twenty-five thousand dollars (\$25,000.00), or imprisonment for at least two years, but not more than four years, or both.

The court finds that the Defendant understands that upon acceptance of a plea of Guilty, the court may proceed with judgment or sentence. The court further finds that the Defendant understands that the plea of Guilty is the result of plea negotiations in consideration of which the Defendant waives all rights of appeal of the Guilty plea herein and all rights to file a Motion for Post Conviction Relief or any other action in law or equity which would set aside his Guilty plea or sentence imposed herein. The court further finds that the Defendant asserts that no person has threaten him, promised him leniency, or in any other way coerced or induced him to plead Guilty and that the Defendant's decision to plead Guilty, thereby placing himself, completely and without reservation of any kind, upon the mercy of the court with respect to punishment, represents the free and voluntary exercise of the Defendant's own will and best judgment. Whereupon, the

court finds that the Defendant entered a plea of Guilty to Illegal Transportation of Hazardous Waste in violation of Section 3734.02(F) of the Ohio Revised Code, an unclassified Felony as contained in the Bill of Information.

The court, being fully advised as to the facts, hereby accepts the Defendant's plea of Guilty entered herein as knowingly, intelligently and voluntarily made with full knowledge of the consequences thereof, including waivers of all applicable rights and defenses. The Court further finds that the defendant understands the maximum penalties which the Court may impose herein. The court further finds the Defendant, based upon the defendant's plea, the facts and the aforesaid findings of the court, to be Guilty of Illegal Transportation of Hazardous Waste in violation of Revised Code Section 3734.02(F), an unclassified Felony, as contained in the Bill of Information.

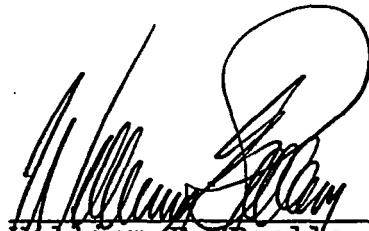
It is the ORDER of the court that the Ohio Adult Probation and Parole Authority shall complete a pre-sentence investigation forthwith and, further, that sentencing shall be deferred until such time as the pre-sentence investigation has been completed and provided to the court.

It is further ORDERED that bond in this matter shall be set upon the defendant's own recognizance bond in the sum of Twenty-Five Hundred Dollars (\$2500.00), that said bond shall be revoked as of January 10, 1994 at which time the defendant shall report to the Clinton County Sheriff's Department for home incarceration.

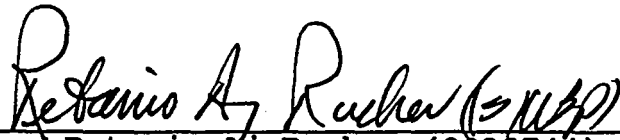
The defendant shall pay for the expenses of the monitoring of the home incarceration.


And this cause is hereby continued.

ENTER this 7th day of February, 1994.

  
\_\_\_\_\_  
William F. Peelle, (0006245)  
Prosecuting Attorney

  
\_\_\_\_\_  
William B. McCracken, JUDGE

  
\_\_\_\_\_  
Retanio A. Rucker (0039744)  
David G. Cox (0042724)  
Assistant Attorneys General  
Environmental Enforcement

  
\_\_\_\_\_  
Thomas R. Smith  
Attorney for Defendant (Per FAX 2/4/94)

IN THE  
COURT OF COMMON PLEAS  
CLINTON COUNTY, OHIO

State of Ohio,

Plaintiff,

v.

Stephen D. Gluff,

Defendant.

Case No. 94-CR-1

Judge William B. McCracken

JUDGMENT ENTRY

JOHN H. ...  
APR 21 1994  
CLINTON COUNTY, OHIO

This cause came on for hearing on the 20<sup>th</sup> day of April, 1994, with Richard W. Moyer, Assistant Prosecuting Attorney for Clinton County, Ohio and David G. Cox, Assistant Attorney General for the State of Ohio ("State"), both appearing on behalf of the State; and Defendant Stephen D. Gluff ("Gluff"), being in Court with his counsel, Thomas R. Smith, Esq., for the purpose of sentencing.

Whereupon, the Court inquired of Defendant Gluff as to whether he had anything to say as to why sentence ought not be imposed on him. Defendant through his counsel did address the Court.

It is therefore Ordered by the Court as follows:

1. That Defendant Gluff be hereby sentenced and ordered transported to the Correctional Reception Center, Orient, Ohio for assignment to an appropriate penal institution for an indefinite term of not less than two (2) years but not more than four (4) years, and shall pay a fine of five hundred dollars (\$500.00) for the Illegal Transportation of Hazardous Waste in violation of §3734.02(F) of the Ohio Revised Code ("RC"), an unclassified felony, as contained in the Bill of Information.

2. That the imposition of the sentence of imprisonment be suspended and that Defendant Gluff be placed on probation for the period of three (3) years under the control and supervision of the Ohio Adult Probation and Parole Authority, from the date of this hearing, upon the conditions attached hereto and made a part hereof and including the following conditions:

a. That Defendant Gluff shall serve a term of one hundred twenty (120) days of home incarceration. The first thirty (30) days shall be served as straight home incarceration and Defendant shall be given credit for the days served on home incarceration as of this date. The remaining ninety (90) days home incarceration shall be served with work release, to begin June 1, 1994 to be served in the following manner under the supervision of the Clinton County Sheriff's Department at Defendant's expense:

(1) Monday through Friday of each week, Defendant Gluff shall be allowed to leave his home to perform work for Gluff Pump & Engineering, Inc. ("Gluff"), Fulflo Specialties Company, Inc., True-

Torq, and/or other divisions of Gluff Pump from 7:00 a.m. to 7:00 p.m.

(2) From 7:00 p.m. on Friday until 7:00 a.m. on Monday, Defendant Gluff shall not be allowed to leave his home, except on Sundays Defendant shall be allowed to attend church between 11:00 a.m. and 1:30 p.m.

b. The fine imposed herein shall be payable to Clinton County, Ohio through the Clerk of Courts herein, to be deposited into the General Fund within thirty (30) days from the date of this hearing.

c. Defendant Gluff shall pay the costs of prosecution for which execution is awarded.

To date Defendant Gluff has served the thirty (30) day straight home incarceration period. Pursuant to agreement of the State and Defendant, the Court hereby modifies said Defendant's sentence as follows:

1. Defendant Gluff shall serve forty-five (45) days straight home incarceration *in lieu* of the remaining ninety (90) days of home incarceration with work release privileges. This sentence shall begin May 18, 1994.

2. During this forty-five (45) day period, Defendant Gluff shall have privileges to attend church on Sundays between 11:00 a.m. and 1:30 p.m.

Further, the Court advises Defendant Gluff of his right to appeal; that if he is unable to pay the costs of an appeal, he has the right to appeal without payment; that if he is unable to obtain counsel for an appeal, counsel will be appointed without cost; that if he is unable to pay the cost of documents necessary to an appeal, such documents will be provided without costs; and that he has a right to have a notice of appeal timely filed on his behalf, pursuant to Rule 32(A) of the Ohio Rules of Criminal Procedure.

Pursuant to the Negotiated Plea Agreement filed herein, Defendant Gluff agreed to waive his appellate rights as to the case *sub judice*, and agreed to serve the full term of incarceration and not to apply to the Court for shock probation or to make any other application designed to shorten the period of such incarceration.

Entered this 12<sup>th</sup> day of May, 1994.



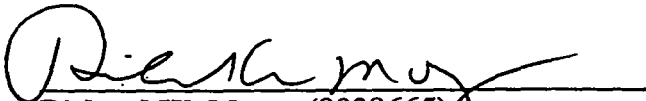
COURT OF COMMON PLEAS  
CLINTON COUNTY, OHIO



Judge William B. McCracken

WILLIAM E. PEELLE  
CLINTON COUNTY PROSECUTING ATTORNEY

LEE FISHER  
ATTORNEY GENERAL OF OHIO

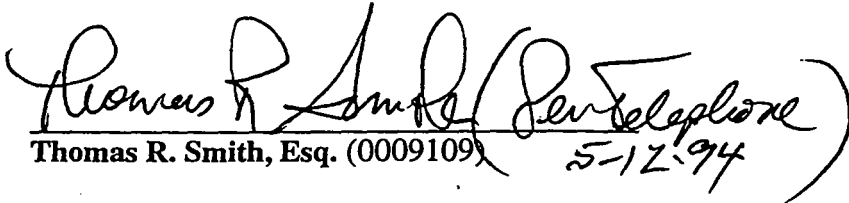


Richard W. Moyer (0039665)  
Assistant Prosecuting Attorney



Retanio Aj Rucker (0039744)  
David G. Cox (0042724)  
Assistant Attorneys General

BUNKE, HENKEL, HAVERKAMP, SMITH  
& RIEHL Co., L.P.A.



Thomas R. Smith, Esq. (0009109)

Attorney for Defendant Gluff

IN THE COURT OF COMMON PLEAS  
CLINTON COUNTY, OHIO

State of Ohio

PLAINTIFF

-vs-

Stephen D. Gluff

DEFENDANT

\* \* \* \* \*

CASE NO. 94-CR-1

JUDGMENT ENTRY  
RULES OF PROBATION

The defendant shall be placed on probation for the period of three years under the control and supervision of the Ohio Adult Probation and Parole Authority from the 20th day of April, 1994, upon the following conditions:

1. He/She shall observe all the laws of Ohio, and of the United States and of every jurisdiction thereof.
2. He/She shall not have under his/her control, or possess a firearm or deadly weapon.
3. He/She shall associate with no persons of questionable character, or persons on parole, or probation and shall avoid places of ill repute.
4. He/She shall abstain from the use of intoxicating liquors and narcotics.
5. He/She shall obtain permission from the Probation Officer before changing his/her place of residence, and without such permission he/she shall not change his/her residence.
6. He/She shall not leave the State unless he/she has permission from the Probation Officer.
7. He/She shall report to his/her probation officer as directed to him/her by his/her probation officer.
8. He/She shall observe and comply with other conditions and rules of probation as directed to him/her by his/her probation officer.

9. He/She shall make restitution through the Clerk of the Common Pleas Court of Clinton County, Ohio, in the sum of \$ \_\_\_\_\_, in accordance with the following payment schedule: \_\_\_\_\_

10. He/She shall pay court costs in the amount of \$ 149.00, as follows: \_\_\_\_\_

11. He/She shall pay fine(s) in the sum of \$ 500.00, as follows: within 30 days

I have reviewed the terms and conditions of probation this 20<sup>th</sup> day of APRIL, 1994, at the direction of the probation officer and I understand said terms and conditions.

Stephen D. Gluff  
(Signature of Defendant)  
Stephen D. Gluff

I have reviewed the terms and conditions of probation this 20<sup>th</sup> day of APRIL, 1994, with STEPHEN GLUFF and he/she has acknowledged to me his/her understanding of these rules.

George Kral  
PROBATION OFFICER

George Kral

ENTER this 12<sup>th</sup> day of May, 1994.

William B. McCracken  
William B. McCracken, JUDGE

WILLIAM E. PEELLE  
PROSECUTING ATTORNEY  
CLINTON COUNTY, OHIO

William E. Peelle  
Asst. Atty. Gen.  
Assistant Prosecuting Attorney

Thomas R. Smith  
Thomas R. Smith  
Attorney for Defendant