

FILED
 COURT OF COMMON PLEAS
 TUSCARAWAS COUNTY, OHIO
 2023 JAN 19 PM 12: 24
 JEANNE M. LEWIS
 CLERK OF COURTS

**IN THE COURT OF COMMON PLEAS
 TUSCARAWAS COUNTY, OHIO
 GENERAL DIVISION**

STATE OF OHIO	:	
	:	
Plaintiff,	:	Case Number: 2022 CR 03 0072
	:	
vs.	:	Judge Elizabeth Lehigh Thomakos
	:	
RICHARD P. HOMRIGHAUSEN	:	
	:	
D.O.B.: 07-03-48	:	<u>JUDGMENT ENTRY ON</u>
	:	<u>SENTENCING</u>
S.S.N.: xxx-xx-6216	:	
	:	
Defendant.	:	

This matter came on for **Sentencing** this 17th day of January, 2023, upon the Defendant's conviction for **One Count Theft in Office**, in violation of R.C. 2921.41, a felony of the fifth degree; **Four Counts Soliciting Improper Compensation**, violations of R.C. 2921.43, misdemeanors of the first degree; and **One Count Dereliction of Duty**, in violation of R.C. 2921.44, a misdemeanor of the second degree.

The conviction was based upon the jury verdict of guilty to these charges. The Judgment Entry filed herein on the 18th day of November, 2022, is incorporated by reference as if fully rewritten herein.

The State of Ohio was represented in Court by Special Prosecutors Robert F. Smith and Samuel J. Kirk. The Defendant, Richard P. Homrighausen, was present in Court represented by Attorney Mark R. DeVan.

The Court has considered the record, oral statements, a victim impact statement from Eva Newsome, Dave Douglas and Gerry Mroczkowski, and presentence reports prepared, 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, with consideration for the use of resources. The Court inquired of the Defendant whether he had anything to say prior to pronouncement of sentence. The Defendant did not make a statement on his behalf.

The Court finds the Defendant has been convicted of One Count Theft in Office, in violation of R.C. 2921.41, a felony of the fifth degree; Four Counts Soliciting Improper Compensation, violations of R.C. 2921.43, misdemeanors of the first degree; and One Count Dereliction of Duty, in violation of R.C. 2921.44, a misdemeanor of the second degree.

Pursuant to the factors in R.C. 2929.12 and the presumptions in R.C. 2929.13(D) of the Revised Code, the Court considered the following matters in determining an appropriate sentence:

1. The offender held a public office and the offense was related to that office;
2. The offender's professional office facilitated the offense;
3. The offender has not been adjudicated delinquent;
4. The offender has no prior criminal convictions;
5. The offender has been law abiding for a significant number of years; and
6. The offender's ORAS score is 8 (low risk).

The applicable factors under R.C. 2929.12 indicating that recidivism is less likely outweigh those indicating that recidivism is more likely. The factors under R.C. 2929.12 increasing seriousness outweigh those decreasing seriousness. The Court finds that, after considering the factors set forth in R.C. 2929.12, a prison term or a community control sanction is not consistent with the purposes and principles of sentencing set forth in R.C. 2929.11.

It is hereby **ORDERED** that the Defendant shall pay a fine in the amount of **Two Thousand Five Hundred Dollars (\$2,500.00)** for the offense contained in **Count One, One Count Theft in Office**, in violation of R.C. 2921.41, a felony of the fifth degree.

It is further **ORDERED** that the Defendant shall pay fines in the amount of **Five Hundred Dollars (\$500.00)** for the offense contained in **Count Three, One Count Soliciting Improper Compensation**, in violation of R.C. 2921.43, a misdemeanor of the first degree; **Five Hundred Dollars (\$500.00)** for the offense contained in **Count Four, One Count Soliciting Improper Compensation**, in violation of R.C. 2921.43, a misdemeanor of the first degree; **Five Hundred Dollars (\$500.00)** for the offense contained in **Count Five, One Count Soliciting Improper Compensation**, in violation of R.C. 2921.43, a misdemeanor of the first degree; **Five Hundred Dollars (\$500.00)** for the offense contained in **Count Six, One Count Soliciting Improper Compensation**, in violation of R.C. 2921.43, a misdemeanor of the first degree; and **Seven Hundred Fifty Dollars (\$750.00)** for the offense contained in **Count Seven, One Count Dereliction of Duty**, in violation of R.C. 2921.44, a misdemeanor of the second degree.

It is further **ORDERED** that the Defendant shall repay restitution in the amount of **\$9,295.00** to the **City of Dover, 110 East Third Street, Dover, Ohio 44622**.

It is further **ORDERED** that the Defendant shall repay restitution for the cost of the audit, pursuant to R.C. 2921.41(C)(2)(a)(ii), in the amount of **\$2,665.00**. This amount shall be divided with **\$963.50** payable to the **City of Dover, 110 East Third Street, Dover, Ohio 44622** and **\$1,701.50** payable to the **Auditor of State, c/o Kim Eckert, 88 East Broad Street, 4th Floor, Columbus, Ohio 43215**.

It is further **ORDERED** that, pursuant to R.C. 2921.41(C)(1), the Defendant shall be forever disqualified from holding any public office, employment, or position of trust in this state.

It is further **ORDERED** that, pursuant to R.C. 2921.43(E), the Defendant shall be disqualified from holding any public office, employment, or position of trust in this state for seven years.

It is further **ORDERED** that Count Two, One Count Having Unlawful Interest in a Public Contract, in violation of R.C. 2921.42, a felony of the fourth degree, shall be **dismissed**.

The Defendant has submitted to D.N.A. registration according to Ohio law.

The Defendant shall be entitled to **-0- days** jail credit.

The Defendant is **ORDERED** to pay Court costs in this matter.

It is further **ORDERED** that any and all Court costs, restitution or fines in this matter be paid through the Office of the Tuscarawas County Clerk of Courts. Restitution is to be paid first and foremost, followed by the Court costs, and then the fines.

The costs of this action shall be rendered against the Defendant. The Defendant is advised, pursuant to R.C. §2947.23, that failure to pay the judgment rendered against him for costs or failure to make timely payments towards that judgment under a payment schedule approved by the Court may result in an order for the Defendant to perform community service in an amount of not more than forty (40) hours per month until the judgment is paid or until the Court is satisfied that the Defendant is in compliance with the approved payment schedule. If the Defendant is ordered to perform community service for said failure to pay, 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. Community service hours ordered by the Court as a term and condition of supervision, apart from an imposition of hours under R.C. §2947.23, shall not be credited against the payment of Court costs.

The Court advised the Defendant of his right to appeal the conviction and sentence.

The Defendant is further advised of the following rights relating to said appeal:

1. If you are unable to pay the cost of an appeal, you have the right to appeal without payment;
2. If you are unable to obtain counsel for an appeal, counsel will be appointed without cost;
3. If you are unable to pay the costs of documents necessary to appeal, such documents will be provided without cost; and
4. You have a right to have a notice of appeal timely filed on your behalf.

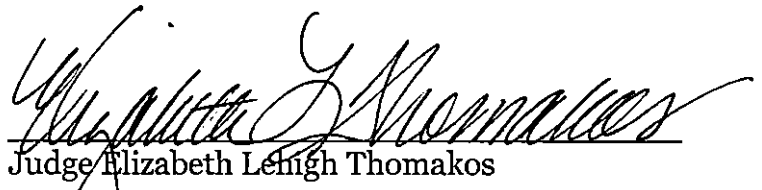
The Defendant is hereby advised that, upon the Defendant's request, this Court will immediately appoint counsel for appeal.

The Defendant moved for a Stay of Execution pending appeal, pursuant to App. R.

8.

It is hereby **ORDERED** that a Stay of Execution is **granted**, but will expire if no timely Notice of Appeal is filed.

IT IS SO ORDERED.


Judge Elizabeth Lehigh Thomakos
Dated: January 18, 2023

cc: Robert F. Smith, Special Prosecuting Attorney
Samuel J. Kirk, Special Prosecuting Attorney
Mark R. DeVan, Esq. & William C. Livingston, Esq.
Defendant
Community Corrections
Court Administrator

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JEANNE M. STEVENSON
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COUNTY OF COLUMBIA
OSCARAWAS COUNTY, OHIO

ELT:mds