

COURT OF COMMON PLEAS  
CRIMINAL DIVISION  
ADAMS COUNTY, OHIO

**STATE OF OHIO**

**CASE NO. 20120113**

**Plaintiff.**

**VS.**

**TRANSCRIPT**

**CHARLES W. SAVAGE II**

**Defendant**

**APPEARANCES:**

**SARAH SCHENCK**

**MATTHEW DONAHUE**

**PHILLIP D. HOOVER**

Attorney for Defendant

WHEREUPON, THE MATTER CAME BEFORE THE HONORABLE BRETT  
M. SPENCER, JUDGE, ADAMS COUNTY COMMON PLEAS COURT, COMMENCING ON  
THE 11<sup>th</sup>, DAY OF APRIL, 2013.



1 COURT: Good afternoon we're on record in case number  
2 20120113, captioned in the Court of Common Pleas, in the Criminal Division of  
3 Adams County, Ohio. The State of Ohio plaintiff versus that of Mr. Charles W. Savage  
4 II, it's noted that the matter returns to the Courts docket on the 11<sup>th</sup>, day of April,  
5 2013, for purposes of sentencing, pursuant to the Court receiving a plea of guilty on  
6 the first day of trial that being April the 8<sup>th</sup>, 2013. On behalf of The State of Ohio  
7 appears that Mrs. Sarah Schenck as well as Mr. Matthew Donahue. Further appearing  
8 on behalf of the defendant is Mr. Phillip Hoover as well as the defendant Mr. Charles  
9 W. Savage II. Sir you are Charles W. Savage II?

10 MR. SAVAGE: Yes sir.

11 COURT: Mr. Savage your date of birth please?

12 MR. SAVAGE: June the 10<sup>th</sup>, 1944.

13 COURT: Thank you sir, Counsel the Court had ordered a  
14 presentence investigation and a misdemeanor case, they do not prepare a summary,  
15 it is noted for the record that the victim impact statement that was originally filed in  
16 County Court anticipation of sentencing, that was then sealed by our staff, because  
17 of the unsealing of the record it was provided to the Court as the victims stated. Sir  
18 the Court will hear any statements through The State of Ohio in regard to the victim  
19 and or any other witnesses they wish to proffer to the Court prior to sentencing and  
20 the defendant will be awarded the same opportunity to make a statement on his  
21 own behalf pursuant to criminal 32, as well as to call any other persons that you wish



1 to be heard in support of Mr. Savage prior to imposition of sentence. This Courts a  
2 tent to first address the issue of the sentence, I'll be hearing from the State and then  
3 the defense, immediately following that I was noted that time of change of plea that  
4 it is still undetermined of whether there would be sexual offender registration  
5 requirements, at the discretion of the Court under Megan's Law versus that of the  
6 Adam Walsh the Court has received random from the party's argument's, and from  
7 the party's, if there is to be registration it will occur subsequent to immediately  
8 contiguous to the sentencing hearing its self. Any questions by Counsel on that issue?

9 MR. HOOVER: Not at this time your honor.

10 COURT: Very well, State of Ohio are you ready to proceed?

11 STATE OF OHIO: Yes your honor.

12 COURT: Mr. Hoover are you ready to proceed?

13 MR. HOOVER: Yes your honor.

14 COURT: Thank you, State of Ohio if you wish to be heard, and  
15 we are just on the issue of sentencing at this time

16 STATE OF OHIO: Your honor this is not by the registration at full  
17 by the registration.

18 COURT: It is not.

19 STATE OF OHIO: Okay, the victim is here and he would like to  
20 make a statement as well as one of the elders from the Church, who actually was the



1 person who reported this to the police and the State doesn't want to take away from  
2 the impact, they want to have on report, but I would like to just address a few issues.

3 COURT: Very well

4 STATE OF OHIO: The defendant brought up the fact that the  
5 defendants, the victim's said the defendant pretended to be asleep and I would just  
6 like to put emphases on the word pretended. I can't get inside the defendants mind  
7 and explain why he felt like he felt like he had to pretend, I can only assume that he  
8 did not want to admit to himself even what he was doing, but I do not believe for one  
9 minute that he slept through the acts that the victim describes occurred in that cabin  
10 on multiple evenings, with regard to the victims interview there were a few pieces  
11 that were pulled out, I believe those were pulled out of contexts completely um the  
12 victim has always been consistent that the defendant did pretend to be asleep, but  
13 he is physically making actions that you can't do in your sleep. Again the victim is  
14 here would like to make a statement, and I don't want to take away from his  
15 emotions about this case, but I did just want to clarify that for the record.

16 COURT: Thank you, counselor as you call either the victim or the  
17 elder, we would just ask for respectfully that they would approach the lector,  
18 whoever that person is to speak, and that would apply to the defendants persons  
19 who would be speaking that they would need to declare their name and spell their  
20 last name, so they can be made a permanent record.



1 STATE OF OHIO: Okay your honor, would you like us to proceed  
2 with that?

3 COURT: Yes.

4 STATE OF STATE: Thank you.

5 COURT: Thank you, when you approach the lector if you will just  
6 declare your full legal name, and then spell your last name for the benefit of the  
7 record and then you will be able to make any statement you would like.

8 MR. WEAVER: My name is Donald Charles Weaver. Spelling of last  
9 name Weaver.

10 COURT: Thank you sir, you may precede, thank you.

11 MR. WEAVER: Your honor we are here today because of actions taken  
12 by Charles Savage while I was a teenager. The abuse came to light in November,  
13 2009. I never wanted this information to come to light, but through a series of life  
14 events it was brought out. I know there are people that know matter how much  
15 evidence there will be, will never believe that the abuse happened. I told Mr. Savage  
16 about my past sexual abuse after our first trip down to the cabin, and he said  
17 nothing, he never informed my parents either, he used my invulnerability for his own  
18 needs, I feel he grew me with all the touching he would do and attention he would  
19 get in school. I was a young, confused, and abused teenager so instead of a helping  
20 counseling and consoling me, he chose to take advantage of my vulnerability and my  
21 curiosity and molested me. When he was done using me to fill his desire, he would



1 pretend to wake up and say he had a bad dream or awful dream, come back to bed  
2 and always put a pillow between us. You can't imagine how it felt to one second have  
3 this person to pretend to care, then molest you and then put a barrier between you,  
4 to make sure you didn't touch him the rest of the night. Looking back now I realize  
5 how this has affected my psychology, maturity, and growth due to all the sexual  
6 abuse from a young age, I have never really been able to make the male bonds that  
7 most boys have. I have never felt masculine; I always felt I had to be careful about  
8 what I said, and how I acted. If I said something wrong someone would find out  
9 about what happened to me and I would be in trouble. So I was extremely shy and  
10 withdrawn, had Mr. Savage told my parents what was happening, I believe I would  
11 have lived a different life. There would not be another broken home, more broken  
12 people; I'm now a divorced father of three boys. The sexual abuse I endured by the  
13 hand of Mr. Savage has hurt my ex-wife, my sons, my family and friends, the Church  
14 and as well as myself. The ripple effect of his selfish needs and the abuse he  
15 performed is huge, I also find myself torn on how I feel spiritually. I was raised in a  
16 Church, and from a very young age I was taught that being a homosexual was wrong,  
17 yet I found myself having gay sex with my pastor. So was it really wrong or I was just  
18 told it was wrong so it was not talked about, imagine how this has to cause confusion  
19 and make me doubt and question religion. I have had a hard time with this abuse  
20 because I was made to feel guilty, like it was my fault. I have learned through  
21 counseling that it was not my fault, the best knowledge of my counselor told me to



1 make me realize that it was not my fault is this, imagine you have a gallon of ice  
2 cream in the freezer and your child wants it, but they have a cavity in their tooth, if  
3 they eat the ice cream it will make the tooth weak and eventually break. Do you give  
4 them the ice cream or do you say no to prevent the damage? Mr. Savage then  
5 thought and said no, if he had I might not be as broken. What he did was not right  
6 nor was it good for me, he was the adult and he preyed upon my abuse and  
7 vulnerability. I hope that the Court will give Mr. Savage the maximum sentence that  
8 is liable, I don't want this man who used his position of authority to manipulate and  
9 destroy children for his own pleasure any longer and to hurt those like he did me. Mr.  
10 Savage had two choices that night at the cabin on Hawken Road in West Union, he  
11 could have helped a boy who had already been sexually abused and was lost and  
12 confused or he could have acted upon his own sexual desire to fulfill inflict and  
13 destruction. We are here today because he chose the latter of the two. Thank you.

14 COURT: Thank you sir.

15 MR. BOBO: My name is Lanny Bobo last name is spelled Bobo. If it  
16 pleases the Court good afternoon your honor and good afternoon honorable defense  
17 council and conceal for the State of Ohio. I thank each of you for allowing me to  
18 make this statement, this is called a victim statement and Don Weaver is of course  
19 the most known and visible victim in this case, but there are other victims as well. My  
20 name is Lanny Bobo and I served as a trustee of the Freedom Baptist Temple from  
21 2008 to 2011. I was also a charter member of the Church on December the 14<sup>th</sup>, 2009



1 I filed a complaint with the Greene County Sheriff's Department concerning my  
2 suspicion that sexual abuse of a student who had attended the Church's Academy  
3 may have occurred, your honor it is but little wonder that young boys and girls wait  
4 twenty or twenty five years before reporting they have been sexually abused, indeed  
5 if they report it at all. I myself do not possess Don's courage or fortitude, your honor  
6 it is but little wonder that there are so few people willing to get involved in defense  
7 of such young person, because of the mentality of blamed the victim, it is pervasive I  
8 know because I have experienced that first hand, you released your dogs and the  
9 attacks by your family and friends on Don and the Weaver family, Carl Schmit, and  
10 myself have been relentless, they have been despicable, they have been explorable ,  
11 and continue even until this day, all because we are the people who spoke the truth,  
12 you have shown to everyone who is not blind what your true nature is. Even now  
13 your friends make light of your conviction and liking it to nothing more than the  
14 reckless operation of a motor vehicle. For twenty years I sat in your congregation and  
15 listen to you, for twenty years I worked with you, for twenty years I had fellowship  
16 with you and your family, for twenty years we shared happiness, and we shared  
17 sorrow, during that twenty years there was never one instants of a cross word  
18 spoken between us, for all that twenty years we never had one single argument.  
19 Then after twenty years I find that you have been lying to us for almost the entire  
20 period of time, you have lied to and you have betrayed every single student that ever  
21 attended Freedom Christian Academy, you have lied to and you have betrayed every



1 single person who ever attended Freedom Baptist Temple and sat in the  
2 congregation, you have lied to and you have betrayed the trust of your wife, you  
3 have lied to and you have betrayed your son, you have lied to and betrayed all your  
4 grandchildren, your supporters who continued to attack Don calling myself have  
5 been betrayed and lied to by you. My wife actually placed you on a pedestal, higher  
6 than her own father, you have lied to and you have betrayed her, you have lied to  
7 and you have betrayed me, my friendship and the trust I had in you, even today Don  
8 and I continue to be vilified, crucified, and called just about every name there is to  
9 call someone because we spoke the truth. You have done replicable damage to my  
10 faith, and to Freedom Baptist Temple, perhaps you can explain to those that continue  
11 to support you, what you meant when you said quote my past has come back to  
12 haunt me and I must resign the Church unquote perhaps you can explain to them  
13 what you meant when you said quote, I did nothing to stop it, unquote or perhaps  
14 you can explain what you meant when you said quote I have allowed sin into my life,  
15 unquote perhaps you can even explain to them what you meant when you said there  
16 had been multiple occurrences. Diane Weaver, Donald's mother has said she  
17 forgives you, and is no longer bitter towards you, I cannot say that same thing  
18 because of your lies, your betrayals and the heyness crime of which you have been  
19 convicted, because there are children which live right next to you. I humbly be seats  
20 this Court to apply the maximum penalty allowed by the State of Ohio, as for me I  
21 will as Samuel did when King Saw confessed and asked for his forgiveness, turn my



1 back to you and I will walk away forever. I thank the Court (inaudible) thank you  
2 counselors and thank you counselor.

3 COURT: State anything additional?

4 STATE OF OHIO: Your honor Matt has prepared when you are  
5 ready to hear arguments regard to the sexual registration.

6 COURT: Thank you.

7 STATE OF OHIO: Thank you.

8 COURT: In regard to sentencing I will now turn to the defense,  
9 Mr. Hoover if you wish to commence or do you wish to conclude or both, prior to  
10 statements made by either Mr. Savage or any of his supporters?

11 MR. HOOVER: If the Court doesn't object I would go ahead and give  
12 my statement first then we would have couple people.

13 COURT: That's fine counselor.

14 MR. HOOVER: Thank you your honor. First of all I would like to point  
15 out to the Court your honor that Mr. Savage has absolutely no priors, second of all  
16 your honor in the States investigation its mattered when we was last in Court, I  
17 believe the number was thirty two people that the State spoke with, when they were  
18 attempting to find another victim, they found none. The only alleged victim that we  
19 have in this case is Donald Weaver.

20 COURT: He's not an alleged victim anymore.



1           MR. HOOVER:           Right, the only victim we have in this case your honor is  
2       Donald Weaver, and Donald Weaver as he just spoke with the Court, he said several  
3       things, he said that he was abused, that he was molested, that it was the selfish  
4       needs of the defendant, but he also said that night he was talking about one specific  
5       night, one occasion that's what the defendant Charles Weaver has indicated all along  
6       as we are articulated to the Court on more than one occasion there was an  
7       individual named Mr. Maggard that was present in this cabin, with Mr. Weaver and  
8       Mr. Savage when the alleged event occurred and it was brought in light at that time.  
9       The Court is aware of what I'm talking about; I have an exhibit which I have already  
10      provided exurbs of that to the State and to the Court. I have marked it as exhibiting;  
11      may I approach at this time your honor?

12           COURT:               Certainly counselor, thank you, is this the same oh I'm  
13      sorry.

14           MR. HOOVER:           This is the actual transcript; I would like to provide that  
15      to the Court, copy has already been provided to the State of Ohio your honor. The  
16      exurbs that I have from that your honor that I think the State when it was mentioning  
17      the exurbs said that they are taking out of context, that's part of the reason why I  
18      wanted to provide the full transcript to the Court, back when this case began in its  
19      infancy the victim Donald Weaver went to Deputy Heitkemper, and Deputy  
20      Heitkemper took a testimony or a statement from Donald Weaver as to what  
21      happened, the exurbs that I would like to read in the record are from that exchange



1 your honor. The victim admitted that Charles Savage every time without exception  
2 he said when it happened was always asleep or pretending like he was asleep. The  
3 quote is he always seemed to be asleep when the acts occurred, I never saw his eyes  
4 opened, in describing the first event, the victim stated he was sleeping on his right  
5 hand side facing away from me, so I rolled over against him, I put my arm around him  
6 and I touched him, Deputy Heitkemper wanted to clarify, he said by touching him you  
7 are talking about his private parts, the victim private parts yes. When asked if the  
8 defendant ever did any sex acts to the victim, Donald Weaver replied no, I tried  
9 several times, but he in his sleep would always no, no. Deputy Heitkemper all the  
10 ones were talking about now, would he be pretending like he was asleep, Donald  
11 Weaver yes, on every single occasion Donald Weaver said that the defendant in this  
12 case Charles Savage II was either asleep or pretending like he was asleep, Donald  
13 Weaver has no advanced degree to discern when a person is asleep or pretending  
14 like they are asleep, so for all practical purposes the events that have been described  
15 by Donald Weaver to Deputy Heitkemper could have all occurred while Charles  
16 Savage was asleep, and there's no way to discern that, other than the fact on the  
17 one occasion which numerous times has been articulated to the Court he was asleep,  
18 he woke up and was being molested when he awoke, other than knowing the age of  
19 the victim Donald Weaver, which was the only known part this particular offence is a  
20 strict liability offence. The act occurred Mr. Savage because of his remorse about the  
21 fact that the act occurred did confront his congregation, did resign his position with



1 the Church and it was based on the fact that there was inappropriate touching  
2 between him and a member of his Church. There was never any discussion as to who  
3 touched who in that inappropriate touching and the inappropriate touching was  
4 done to Charles Savage by Donald Weaver, Mr. Savage has led a law abiding life his  
5 entire life, he's over seventy years old, he's never had any problems with the law,  
6 and he has dedicated his life to helping others. There was one witness if we would  
7 have had a trial that indicated or would have indicated and testified before this  
8 Court, that he had gone as an adolescent to this cabin in question over a hundred  
9 times, all of the thirty two people that the State of Ohio interviewed not a single  
10 person ever said anything ever happened between them and Charles Savage, Charles  
11 Savage was never the aggressor, Charles Savage was never touching other people,  
12 Charles Savage was touched but it fits the definition of the crime of which he is  
13 offered his plea your honor.

14 COURT: And he (inaudible) to the touch.

15 MR. HOOVER: He was asleep, even by the young victim in this case  
16 your honor, the statement is that not on some occasions was he asleep or pretending  
17 to be asleep, Donald Weaver says he was always asleep when it happened, or  
18 pretending to be asleep, and that's a distinction that we have no way to indicate,  
19 how would you know if he's asleep or pretending to be asleep, his eyes were always  
20 closed, he was never doing any over it act, it was done to him by Donald Weaver.  
21 That's by Donald Weavers own statement to the Deputy in the transcript your honor.



1 This event happened over twenty two years ago, in the last twenty two years there  
2 has been absolutely no blemish on Mr. Savages life that would indicate to this Court  
3 that any incarceration would be appropriate. There has been nothing that Charles  
4 has done but help other people, he is a honest person and when this situation came  
5 to light, he went to the Church and told them, now the Court may inquire as did  
6 previously when the situation happened before twenty two years ago, why didn't Mr.  
7 Savage come forward then, it was a member of his flock and if he had reported it  
8 criminal charges would have been filed against Donald Weaver for sexually assaulting  
9 him. That's not what a pastor does to a member of his flock, and that's not what  
10 Charles Savage did to Donald Weaver at that time, had he done that.

11 COURT: Under what moral or legal theory does that apply?

12 MR. HOOVER: I don't understand the question your honor, I apologize.

13 COURT: You are saying that he was protecting the young man,  
14 under what moral or legal theory?

15 MR. HOOVER: He was sexually assaulted by Donald Weaver.

16 COURT: I understand, you have said he's the victim.

17 MR. HOOVER: If he had reported it criminal charges would have been  
18 filed against Donald Weaver.

19 COURT: But under what legal or moral theory do you just  
20 overate that responsibility?



1 MR. HOOVER: I think as a leader of a Church and having a flock below  
2 you if you started bringing criminal charges against members of your flock, I think the  
3 entire flock would question your ability to lead and question maybe the entire  
4 integrity of the Church.

5 COURT: For reporting the crime?

6 MR. HOOVER: That it happened to you under those circumstances, yes  
7 your honor.

8 COURT: Okay.

9 MR. HOOVER: Mr. Savage since he entered a plea in this matter, in the  
10 Court below us about eighteen months ago has incurred probably about ten  
11 thousand dollars in additional attorney fees, for those reasons your honor as far as a  
12 monitory fine in this matter, we would ask that there be none. The Court has already  
13 indicated that the Court costs alone are probably going exceed three hundred dollars  
14 and at this time there are two other individuals that would like to talk to the Court  
15 also your honor.

16 COURT: Very well, if they would follow the same proto call,  
17 please approach the lecturer and they would declare their name and spell their last  
18 name for the record.

19 MR. HOOVER: Mr. Hill.

20 MR. HILL: Hi.

21 COURT: Hello.



1 MR. HILL: Franklin Hill last name Hill.

2 COURT: Thank you.

3 MR. HILL: I didn't have the opportunity to prepare any kind of  
4 statement today; I only learned a little while ago that a statement possibly would be  
5 welcome, so I don't have notes to reflect on, okay.

6 COURT: You're fine.

7 MR. HILL: I've known Mr. Savage for probably over seven years  
8 now, about two of which actually family legally. I can't say enough good , I can't say  
9 enough good I don't know anything about what I have seen in his conduct of his life,  
10 of his family , of his children, of his grandchildren, of his Church. I have nothing bad I  
11 could say, he's a very respectful man, I earned respect for him very early, a lot of I  
12 guess has happens most of the time, when somebody's accused of something at the  
13 time accused, you have some that believe it and some that don't. I think that's the  
14 case in all cases, a lot of the ones that choose to believe what has been accepted as a  
15 plea on his behalf. It's based on basically two individual counts of the cabin,  
16 something that happened at a cabin, two individual counts you hear of one story, you  
17 hear the victims story and I don't know how we ever get to a point where we totally  
18 turn on this man sitting here, a lot of the people who have turned on him have told  
19 him how much they loved him and told him goodbyes and wished him the happy  
20 afternoon with his family and offered to help in anything he may need and years and  
21 years and years, seven or more of this I have witnessed myself. I don't believe a word



1 of it, I don't believe a word of it, I have come to know him well enough, I have seen  
2 his actions towards Church members, toward the general public, toward family,  
3 towards friends, he's a man that don't always do the best job at defending himself,  
4 but would go the distance for anyone else. I don't know how we ever got to this  
5 point, but he has my total respect and he's had it from the start. I don't believe the  
6 things that has been raised against, I don't believe it for one minute, I don't wish the  
7 victim any disrespect, if he's been victimized in some way by someone, I don't wish  
8 him, I can't imagine it, I'm confident years of, I'm confident of years of detailing  
9 things in your head, talking to other people or however this all got to where it's at  
10 today, where a victim steps forward and says twenty some odd years ago something  
11 happened, I don't know how it gets to that point, but all I know is there was two  
12 stories, is my understanding, that of the time of the alleged victim, and that of the  
13 alleged suspect, it's very discouraging to me to see how people can turn on, how  
14 people can turn, I can say Mr. Savage you have my total respect, you have soon after  
15 we met and you continue to have my respect and I stand behind you in this 100%

16 COURT: Wiseman was you not just a juror?

17 MR. WISEMAN: Yes sir last Thursday, thank you, your honor.

18 COURT: Good to see you again.

19 MR. WISEMAN: Thank you, Michael Wiseman spelling of last  
20 name Wiseman. I have known Brother Savage for forty years and I have also known  
21 Weaver family just about as long, I have served on staff of Freedom Baptist Temple



1 and I have been with Brother Savage on many occasions visiting children and visiting  
2 family members and I can tell you personally that people loved it when he came over  
3 to their houses, they would just light up when they would see brother Savage come  
4 and visit them, he was a man who worked long hours, early in the morning till late at  
5 night, he was a very compassionate, he loves people, he did what every minister is  
6 supposed to do and that's serve his people, and I saw that with my own eyes and he  
7 gave himself physically, spiritually and emotionally for his flock, again like I said I have  
8 known him for forty years. I was a little boy when we met, my mother trusted him  
9 with us, my siblings and myself and I would trust my children with him as well. I just  
10 want your honor to know that I've been with him and I have served under him, I have  
11 never seen anything out of character and he's been the man of character and  
12 integrity and your honor I thank you for your indulgence.

13 COURT: Thank you, any additional remarks by either counsel or  
14 any other members, if none we will proceed with sentencing to be followed by  
15 arguments in regard to potential registration requirements. The Court notes that on  
16 April the 11<sup>th</sup>, 2013 the defendant sentencing hearing was held pursuant to Ohio  
17 Revised Code Section 292919, present in Court was defense counsel Mr. Phillip D.  
18 Hoover, special assistant prosecutor attorneys Sarah B. Schenck as well as Mr.  
19 Matthew J. Donahue and was the defendant Mr. Charles W. Savage II, with Mr.  
20 Savage being reported alright pursuant to criminal rule 32. The Court has considered  
21 the record and the oral statements that are victim impact statements and



1 presentence investigation that the Court prepared, as well as the principles and  
2 purposes of sentencing under Ohio Revised Code Section 292921 further balancing  
3 the seriousness and factors of 292912. The Court also notes that would not sentence  
4 this defendant or any other defendant before this Court based upon their race,  
5 ethnic, gender or religion. The Court finds that the defendant has been convicted  
6 pursuant to a voluntary plea of guilty to sexual imposition in violation of Ohio Revised  
7 Code Section 2907.0684, that being a misdemeanor of the third degree and subject  
8 to division A of 292914 of the Ohio Revised Code. I assume Mr. Savage you are not  
9 exercising your right under criminal rule 32 to make any statement on your own  
10 behalf, is that correct?

11 MR. SAVAGE: That is correct.

12 COURT: Thank you, the presentence investigation report which  
13 is a short form report of the defendant's statement is that I have been dealing with  
14 this for three years. The prior record is a couple stop sign violations and then there is  
15 a miscellaneous offence in 2001, but nothing since 2002, he states that he worked for  
16 Home Run Incorporated for three years; I'm not sure what Home Run Incorporated  
17 is. The Court also and it started off identical by Mr. Weaver, Mr. Weavers original  
18 victim impact statement, and then Mr. Weaver still in contexts and content, it was  
19 the same, because Mr. Weaver was so aberley open with the unfortunate  
20 experiences of his life before even that of the acknowledged wrong doing by the  
21 defendant by his plea of guilty, that he talks about some time past after the first trip



1 and one day at school he decided he was going to tell the pastor about the sexual  
2 abuse he had endured, after he disclosed this information this was after a trip that  
3 had been in the cabin, one nothing happened. The pastor Savage said well that  
4 explains why you clung to the side of the bed the last time you went to the cabin and  
5 he talks about how and some people are very touchy, feely type of people that's the  
6 terms used. It goes into greater detail about events for which there was not a finding  
7 of guilt, from the Courts prospective it's very interesting and we unfortunately have a  
8 lot of these cases, and so many of these cases involve deacons, pastors, associate  
9 pastors that are the defendants, the convicted defendants, and it's very typical to see  
10 the community their faith based community in support of and the faith based  
11 community that has withdrawn from the former sanity of this combined group of  
12 people and its, you see almost the same thing every time, and what you see is, well  
13 not every time you don't always see a victim so abricial so strong, so forth coming,  
14 half the time we do see that there are people that forgive as apparently the mother  
15 has, which is most abnerable. Then you see the congregation that still following in  
16 support and I found that Mr. Hill followed that category that I wrote down, he says I  
17 refuse to believe this happened, and since you weren't here we're one of the unique  
18 Courts that I want to explain, when you plead guilty in this Court room you do so  
19 under the oath, as this I shall do I shall answer under god, when you plead guilty and  
20 also in this Court room while under oath you must acknowledge the accuracy and the  
21 truthfulness of the facts, most Courts don't do that, but I'm man date that the facts



1 he admitted in this Court room under oath and most times I even ask the defendant  
2 to give the facts. I tried to save the pain of Mr. Savage not to actually state the facts  
3 himself, so for those who say I refuse to believe it, it did not happen it's just not  
4 possible, there was a guilty plea in this Court room, I think even Mr. Hill you were  
5 here, because I remember the young lady that seated to your left shaking her head  
6 no the whole time, so you heard a guilty plea and the facts were numerated for the  
7 record and those facts were true and accurate and all respects without  
8 disagreement. What I have not seen and I hope I never see again in this Court room  
9 and Mr. Bobo talked about it, but it was at the time when Mr. Weaver spoke member  
10 of this Court at the far right, started smiling as if it was ingest of that what Mr.  
11 Weaver was talking about in humor, she caught herself and realized I assume how  
12 inappropriate it was and then how profound Mr. Bobo gets up and talks about it.  
13 There's nothing funny about this, there's nothing funny about the admiration that  
14 young man had to stand up there and tell his story, for than Mr. Bobo, by the way the  
15 all-time best seller talks about people that had gone through that which you have  
16 suffered, but your all good people, you have your faith, but I want to set for the  
17 record straight there was a plea of guilty in this Court room and those facts were  
18 numerated on the record and this defendant admitted that he violated the law.  
19 There's no more alleged victim, there's no more alleged defendant, there is a victim  
20 and there is a defendant, now the maximum penalties in this case, first I would say  
21 for those who have not participated in this case, this case was filed here, it was



1 dismissed by prosecution taken to County Court shows back up here multiple matters  
2 were undertaken and I would say without any hesitation or reservation that it is the  
3 most complicated case legally that this Court has ever faced as far as the complexities  
4 and the twists and the turns and Mr. Savage I don't think you could have been  
5 possibly from a legal stand point better represented as far as the thoroughness, nor  
6 could the State have been more thoroughly represented in their preparation, their  
7 diligence and so through this and through the Courts own independent research and  
8 efforts and many many long hours, the four of us I speak of conceal and the Court  
9 and Mr. Pickens five if he were here. We navigated our way through what I consider  
10 one of the most complex facts because of the long Gevity of the charges this refresh  
11 memory, now one of the things we addressed was the multitude people potentially  
12 at a trial come in and say he never did anything to me, or nothing ever happened  
13 between us, prior good as. That would be like pulling three hundred antelope out of  
14 the crowd and saying will these attack `you, well no I was quick and I was smooth and  
15 I was agile. Who did the antelope kill, what antelope got killed or what antelope got  
16 killed, it was a slow one emotionally, physically whatever it may have been away  
17 from the watering hole and that's what Mr. Weaver was in this case, Mr. Weaver was  
18 the weak because of prior acts against him in his willingness to disclose that with  
19 hopes of help and it turned out to be another abuse in that. So I realize that there  
20 would be a line of people who come in and say Mr. Savage he was good, as Mr.  
21 Wiseman said people lighted, they lit up when he walked in the room, he was good



1 too, I'm sure hundreds and hundreds, if not thousands and thousands of kids and  
2 other people, but he was wrong in what he did to Mr. Weaver. I find no remorse, no  
3 remorse what's so ever, shockingly in what I would expect at a trial at a sentencing, is  
4 once you have reached the threshold of acceptance that I have pled guilty and I am  
5 wrong, that there would be the sign of remorse, I am sorry for what I have done, but  
6 no remorse what's so ever, just good people Mr. Hill and Mr. White is standing up on  
7 his behalf saying his a good man, to suggest to the Court that this was in a state of  
8 unconscious or deep sleep that and being the victim while physically possible,  
9 extremely improbably. This will be the third case that this same similar situation has  
10 been suggested to the Court, this will be the third case that the Court did not believe  
11 it. Certainly Mr. Weaver and Mr. Bobo and the supporters say he should receive the  
12 maximum sentence, which is only sixty days in jail and a five hundred dollar fine and  
13 the supporters obviously would say it's time to move on this was been a long time  
14 ago. It was the Courts intent assuming wrongfully that there would be some remorse  
15 in this case, that there would be no imposition of a jail term, which it can only be  
16 served locally, but I underestimated and misjudged that there might be remorse in  
17 this case, instead it was proper under the argument, and I think not so much for the  
18 Court, Mr. Hoover but to support as your client would want to diminish the belief  
19 that this could possibly happened for the supporters behind, that's very  
20 disappointing that it stayed the course of I'm the victim, he's a defendant, that's the  
21 victim. One of the other things the Court must think of we're a jail that houses thirty



1 eight, we have sixty six, sixty eight, sixty nine over there, a person charged of this  
2 defense is not a safe environment, and there would be those that would say he  
3 should suffer as this victim, I understand that position, after due consideration the  
4 Court does find that the defendant is amenable to available community control  
5 sanctions. It is ordered that the defendant shall be sentenced to two years of  
6 community control subject to base of supervision in control of the Adult Probation  
7 Department under any terms and conditions that they being appropriate including  
8 that the defendant shall be prohibited from leaving the state without the permission  
9 of the Court or the Adult Probation Department. The defendant shall abide by all  
10 laws including the laws related to firearms and dangerous ordinances. Mr. Savage no  
11 I'm sorry that would not apply, there would be no provision on firearms and  
12 dangerous ordinances that's a misdemeanor offence. The specific sancs and the  
13 conditions are as follows, defendant shall serve one hundred hours of community  
14 service, he shall pay the maximum fine of five hundred dollars, he shall have of the  
15 sixty days a maximum sentence, fifty seven will be suspended and three will be  
16 served and they will be served between the periods of July the 3<sup>rd</sup>, nine o'clock am,  
17 to July the 6<sup>th</sup>, nine o'clock am, and yes there is a point of those dates. I was hoping  
18 you would give him his independence today, Mr. Savage by just simply saying I'm  
19 sorry for what I did or what I allowed to happen, simple, simple stuff, but you didn't  
20 and there is somehow promoted feeling that you're the victim and you're not, so  
21 why you are spending Independence Day at our jail I hope this young man on the 4<sup>th</sup>,



1 of July has Independence from the hardships, the tags, the chains that he has drawn  
2 and drug, he deserves it. Violation of any of the sentence shall lead to more  
3 restricted sanctions, longer sanctions or a term of incarceration of the full sixty days  
4 In the Adams County Jail, one hundred hours of community service and a five  
5 hundred dollar fine, three days July the 3<sup>rd</sup>, through July the 6<sup>th</sup>. On completion of  
6 this hearing and the classification hearing the defendant is ordered to report to the  
7 Adult Probation Department, he's ordered to pay all costs of prosecution, and any  
8 supervision fee permitted pursuant to Ohio Revised Code Section 2929.1884, under  
9 Ohio Revised Code Section 2947.23A1A if the defendant fails to pay that judgment or  
10 fails on time to make payments towards that judgment under a payment schedule  
11 approved by the Court, then the Court may order the defendant to perform  
12 community service in an amount not more than forty hours per month until that  
13 judgment is paid, or till the Court is satisfied that you are compliant with an approved  
14 payment schedule, under 2947.23A1B if the Court does in fact order you to perform  
15 community service in exchange for the nonpayment of the financial sanctions then  
16 you will receive credit upon the judgment at the specified hour of the credit rate, and  
17 for every hour of community service performed it will reduce the judgment by that  
18 amount. The Court specifically finds the imposition of the financial sanctions that the  
19 defendant has a past, present and future earning income ability and pretension to  
20 satisfy all financial sanctions as imposed. The defendant is currently employed with  
21 Home Run Incorporated, he has past history, he's obviously an intelligent gentleman,



1 and the sanctions are limited. I will review all the Pellet Rights at the closing of the  
2 hearing on whether there will be registration, and I will hear all objections at that  
3 time to in regard to sentencing and registration and determination. I will now turn  
4 our attention we will move to the arguments and or for and against whether there  
5 should be any registration requirements under Megan's Law in the discretion, again  
6 realizing that it is Exofacto and it should be noted for the record that the plea of  
7 guilty involve the events that occurred on or about between September the 1<sup>st</sup>, 1990,  
8 and February the 11<sup>th</sup>, 1992 in Adams County, Ohio. Mr. Donahue you will be arguing  
9 on behalf of the State on these issues?

10 MR. DONAHUE: Yes your honor.

11 COURT: Very well go right ahead.

12 MR. DONAHUE: First I think we need to look at the eligibility; I  
13 would like to briefly address the eligibility of the defendant. The Court is well aware  
14 the matter has been brief, but very briefly for the record, approximately 1962 Ohio's  
15 had three statutory scheme for the registration of sex offenders, 1962 approximately  
16 1996 the registration required essentially that an individual has commits multiple  
17 acts being convictive of multiple acts in separate criminal proceedings, then we have  
18 what's commonly referred to as Megan's Law, Megan's Law as the Courts knows was  
19 held to be a civil penalty or a civil action, it was able to be retroactive, specifically was  
20 held to be retroactive to those that committed their offences prior to Megan's Law  
21 implantation but or either on some type of supervision or was sentenced while



1 Megan's Law was in effect. We have the Adam Walshack become in to effect in 2007  
2 and the Williams case as the Court knows Adams Walshack was found to be a  
3 criminal penalty and was found to be a subject could not be applied retroactively, the  
4 Adams Walshack and Williams did not strike down, Megan's Law did your honor and  
5 that's very important in this case, as this Court knows we provided the Court with  
6 some case law, one in which was just published a few days ago, primarily from the  
7 second district and that indicates as the State argues that the defendant is still  
8 subject to Megan's Acts requirements, Megan's Law requirement in that he is subject  
9 to discretionary period of registration as a sex offender under the law, since sexual  
10 imposition at the time under Megan's Law was completely discretionary. This Court  
11 knows now sexual imposition would be a mandatory reporting, but is completely  
12 discretionary to the Court, so we believe he is eligible under that legal theory and we  
13 believe the Court has eligibility to consider him see if he was eligible. Then we go to  
14 whether he should be registered or not your honor. The State of Ohio would ask for  
15 the ten year registration second offender under Megan's Act, we have a situation  
16 where we do acknowledge that we only have one victim, but I submit to you that it's  
17 only because we work in this field that we use the word (inaudible), because we have  
18 a victim. We have a victim who's taken advantage of by an individual who's in  
19 position of authority, in position of power and position of trust your honor, when you  
20 look at the factors they vast that way him not registering your honor, this was not a  
21 situation where there was a balance of power, this is not a situation where alcohol



1 was involved and things just got a little to frisky. This is not a situation where they  
2 were like social status or the like age, this is complete imbalance of power your  
3 honor, this is complete imbalance of power that strikes to the heart of our society,  
4 that this particular defendant needs to register now because when we look at the  
5 facts, we have him taking advantage of this young boy, under Megan's Act your  
6 honor obviously it's a ten year registration, it is an annual notification it does not  
7 contain a public mailing, a public notification, but we feel that it is important that he  
8 be prior to register with the Sheriff in the County which he resides and works your  
9 honor, we feel he's eligible, feel the facts because of the imbalance of power,  
10 because of his knowledge of the victim are talked about that he be required to  
11 register. Thank you.

12 COURT: What do you think is the effect, to the potential victims  
13 as far as registration, what effect do you think that the public notification, does this  
14 have to go to the Sheriff once a year, he has to register if he goes into another  
15 County or State, within three days of gaining employment or higher education, but  
16 what effect does it have? I think legislation is certainly we want to put people on  
17 notice, beware, beware. What would registration under ten year under Megan's Law  
18 and the discretion of the Court, what effect would that have?

19 MR. DONAHUE: The effect has an according aspect of law  
20 enforcement; cause law enforcement certainly is going to be more promising than  
21 the general public, law enforcement will be where he is registered as the Court



1 knows there are periodic, there are verifications that are done, he will have that  
2 effect where law enforcement can be with me after the public, although it's  
3 obviously best that everyone look after themselves, we have law enforcement, law  
4 enforcement exists to look out for the public, so we have that effect on the public. I  
5 think more to your question, what effect does it have as I read the statues I recall  
6 having practice for a little while under Megan's Act, public notification is the flyer  
7 that was sent down your honor. The public notification is not speaking of the fact  
8 that he would be eligible to be on the Sheriffs website, this is referred as east storm  
9 website he would be eligible to be on the east storm website, he would be eligible to  
10 be on the east storm website, he would be eligible to pop on multiple different  
11 websites, applications, things like that when people put in essentially where are the  
12 local sex offenders, so to that degree I think he is, that is a public notification he is  
13 eligible for that your honor, as I recall and my research indicates to me and I may be  
14 wrong, but I don't think I am. That the public notification has to do with if you call the  
15 old flyers again, so in addition your honor its also our understanding that he's worked  
16 and there has been indication that he's worked with children, that he goes into  
17 different places with multiple populations and at least at one point your honor, it's  
18 also our understanding that he was driving a bus for church school, obviously when  
19 you do that type of just insurance companies having some familiarity with church  
20 insurance company, with a church insurance companies do those back ground checks  
21 it much easier for those things to pop up then try and necessarily to find a



1 misdemeanor of the third degree from a Court your honor, because there is a  
2 centralized data base and Drew's Act putting together all those for one centralized  
3 national data base, but under that act and referring to federal attack.

4 COURT: Putting it up on the scales of justice, do you think  
5 registration would be more punishment to Mr. Savage or do you think it would be  
6 more protection to the public.

7 MR. DONAHUE: Your honor I think it's more protection to the  
8 public, certainly the punishment is already been reported, now we are just trying to  
9 way the protection to the public your honor, and again you know we are seeking the  
10 protection of the public, we are simply seeking that he be registered so both law  
11 enforcements are aware of it, so that anybody cares to take the initiative could find  
12 out about it, so that in addition your honor again if there are insurance checks and  
13 many church insurance companies at this point require either yearly or once every  
14 two years finger print and background check on individuals, so those insurance  
15 companies would be aware of it. We do have sufficient public safety concerns in this  
16 aspect your honor.

17 COURT: Thank you, Mr. Hoover.

18 MR. HOOVER: Your honor, first of all I would like to apologize to the  
19 Court and Mr. Weaver and my client. I was the one that took the transcript and got  
20 those exurbs out that had nothing to do on Mr. Savage has reflected cordially on Mr.  
21 Savage and he had no part in that your honor so I apologize to all about that. I think



1 the Court looked at me as Mr. Savages advocate and how that reflected upon him  
2 and again he had nothing to do with that your honor. The part that I wanted to  
3 convey to the Court one of many is the Court ask Mr. Donahue as far as protection  
4 to the public, part of what I was leading into of the sentencing aspect is that the State  
5 of Ohio had interviewed thirty two people, that the way the incident happened your  
6 honor, and that he is not a problem in society, society does not need to be protected  
7 from him and I was attempting to convey that maybe earlier than I should have and  
8 again I apologize as to the unkindness as to how that was taken your honor. But if I  
9 could back up starting with Megan's Law obviously is no dispute between the State of  
10 Ohio, myself and I think the Court as to the dates alleged and the offence and pled to  
11 by the defendant, predate Megan's Law and certainly there was this legal fiction  
12 when Megan's Law came into effect, I believe in 96 and anybody who hadn't  
13 completed their sentence was brought back for resentencing and all those cases  
14 went up and I think Cook is the major case that everybody would sight to with the  
15 Ohio Supreme Court that they were saying it was a remedial and it was not a penalty  
16 at all, And I think as we had talked earlier your honor in State versus Ohio versus  
17 Ferguson and that's kind of the intermediate you have Cook that's says its remedial  
18 and it should apply to all under Megan's Law. You have Ferguson you can see the  
19 court changing a little bit and almost half of the court agrees with the descent by  
20 Justice Langenster and then in the most current case Williams you have everything  
21 that we've learned through Megan's Law, its enforcement, and Cook kind of turned



1 on the set. The one thing they don't do is in State versus Williams it says that Adam  
2 Wallshack as applied to anybody that committed the act under Megan's Law is  
3 inappropriately applied and Adam Wallshack is Extofacto the Court didn't take that  
4 next step and say the cases that we had decided under Cook should have also been  
5 decided the same way, in the really truly is no distinction other than the language  
6 that under Cook they are saying the sex offender reporting law under Megan's Law is  
7 remedial and because there is just a little bit more penalty now its punitive under  
8 Adam Walsh. Just to break it down just a little bit as far as the act, if the Court did  
9 deem that there was sex offender reporting and if it did deem it was under Megan's  
10 Law, it would be sexual or orientated offender for the defendant, that's the lowest  
11 tier and on that it's got a ten year reporting, but again they are saying under Cook  
12 that's not punitive, if Mr. Savage was sentenced under that, if Mr. Savage didn't  
13 report as he was required under Megan's Law, then he's back before this judge doing  
14 more jail time and having further crimes. The distinction as Adam Walsh is they gave  
15 five extra years for tier one sex offender, rather Megan's Law it was ten years, so  
16 now you have fifteen. When we are dealing with Megan's Law and Cook they are  
17 saying that ten years is remedial not a punishment, but now when we are dealing  
18 with Williams and the Adam Wallshack that five extra years now makes it a  
19 punishment, It's a legal fiction and just doesn't make since. Most of the other sex  
20 offender reporting they may have been extended a little bit, modified slightly, but  
21 not from the point that you didn't have anything punitive under Megan's Law and



1 now you do. They brought up certain distinctions where if you are a sexual predator  
2 under Megan's Law there's a possibility you could get out from under that at some  
3 point and time, under Adam Walsh it could be lifetime, and certainly that is a major  
4 distinction. If I could your honor I have Justice Langenster decent I would like to read  
5 a couple exurbs from her decent to show how it is appropriate, even though State  
6 versus Williams didn't take the extra step, it was addressed by Langenster when she  
7 was a minority and now she is part of the majority of the Court and Williams. They  
8 indicated that Revised Code Section 2950 has been transformed from remedial to  
9 punitive and that's a legal fiction. The registration duties are a little bit more  
10 demanding and they comparing the registration duties under Cook with renewing a  
11 driver license, and again talk about a legal fiction, if I don't renew my driver license  
12 that alone doesn't make me have to do additional jail, criminal charges, this does.  
13 They were minimizing everything about Megan's Law and Cook, the protection of  
14 the public is the valid goal of Revised Code Section 2950 we cannot deny that severe  
15 obligations are imposed upon these classified as sex offenders. The generally  
16 assembly's intent is to protect the public from all sex offenders and to overcome the  
17 presumption that a statue applies prospectively, in order for that to happen the  
18 statue must end of itself in the statue proclaim that is has retroactive application. In  
19 Megan's Law it did not, and yet the Court applied it anyway retroactively, in the Hide  
20 Case retroactively was found not to be expressed in Megan's Law, with respect to the  
21 reformer Revised Code Section 2950.031. The general assembly stated intent to



1 protect the public is not the only point to discuss and determining whether a statue  
2 is remedial. The punitive effect must be considered as well, and I believe in Cook your  
3 honor they didn't address the punitive effect, they just gave the analogy that it's just  
4 like getting your driver license reinstated. To begin with the classification and  
5 notification statues are part of our criminal code, this placement suggests a punitive  
6 intent that's Kansas versus Hendricks, and we have also held a sex offender's failure  
7 to register under Revised Code Section 2950.06F is a criminal offence in of itself that  
8 was addressed in Williams. We cannot deny that additional obligations are now  
9 imposed upon those classified as sex offenders, as such they are punitive, this is a  
10 statement from Justin Stevens of the United States Supreme Court, State versus Doe,  
11 that noted that a sanction that imposes on everyone who commits a criminal offence  
12 and it is not imposed on anyone else and it severely impairs a person's liberty is a  
13 punishment. I believe those in it of itself your honor, I could go on and on and I don't  
14 want to labor the point or delay it your honor, but the Supreme Court of Ohio in  
15 Williams didn't take it far enough, eventually somebody is going to have to. The case  
16 is decided out of the second district even though they attempted to address in dicta,  
17 their responses were all the same and that this matter was not right for an appeal,  
18 and it was a new point. This is not before this Court, the point in fact that this Court  
19 has the determination to make this decision, I believe Williams and Ferguson your  
20 honor express that the sex offender reporting should be at the time of the event, and  
21 its specifically articulated in Williams, that it should be at the time of the event and



1 they were just taking it to Megan's Law as they were addressing that fact, but just  
2 that quote in of itself shows and establishes that the sex offender notification law  
3 that the defendant Charles Savage should be under and should predate Megan's Law  
4 as the latest possible date in both his indictment and charge that he pled to was  
5 1994, and the earliest possible date for Megan's Law I believe was 1996 your honor,  
6 so the sex offender reporting at the date of his offence was not made as long and he  
7 shouldn't be required to report under, thank you your honor.

8 COURT: State and rebuttal

9 STATE: No your honor, I believe they covered it all.

10 COURT: Thank you, this has been hard for this case, counsel

11 through the memoranda again for the most thorough and brings to the Courts  
12 attention of the subject cases of the law and those Court suppressants of this Court.  
13 When a judge takes an oath, they take an oath that they will follow the United States  
14 Constitution, the Ohio Constitution, and will faithfully discharge the laws. The Ohio  
15 Constitution specifically states that the generally assembly shall have no power to  
16 patch retroactive laws, that's under the Ohio Constitution part two Section 28. In this  
17 case the defendant in the case of bar committed the offence prior to the State  
18 adopting or enacting Megan's Law in 1996 is certainly prior to the State adopting or  
19 enacting the Adam Wallshack under pursuant bill ten, therefor the statue twelve  
20 there is presents in the second district Court of appeals that the Court is stressed you  
21 can impose that. Certainly we all agree that the defenses and subject to classification  
22 must come from the law that was in acting of the time of offence and in this case



1 neither, although Mr. Donahue and Mrs. Schenck both argued, that is the Courts  
2 discretion, I do believe that's this Courts discretion, it's a really interesting job that I  
3 have, if you stay open mind and I realize that's self-serving to say that I'm open  
4 minded but as I went through the sentencing I was fascinated to hear the  
5 statements, the strength of Mr. Weaver, the kaytins of Mr. Bobo, the undominate  
6 faith of Mr. Hill and understandably Mr. Wiseman who served as a juror abermely  
7 not to long ago, and his feelings and I actually got on this bench today with the belief,  
8 personal belief in my hard parts that he should be registered under Megan's Law and  
9 the discretion of the Court, but he was not enacted at the time of these offences in  
10 through 1992. The Supreme Court has been firm that it cannot be punitive from the  
11 stand point of the Courts rulings, and why I personally Brett Spencer feel that you  
12 should be required to register as an offender, a sex offender under any discretion of  
13 the Court. I have no (inaudible), no law and as a pierced of my oath, the Court finds  
14 that he will not be subject to registration requirements under the discretion of  
15 Megan's Law by the Court, and again I tried to, I said it, I started this aspect of the  
16 hearing believing that the ruling would be to the contrary of that, but as I have  
17 considered all the arguments and the law and my oath, most importantly my oath  
18 and the law, that the Court does find that there was no such ability of this Court to  
19 impose even with its broad discretion, registration requirements so therefore he will  
20 not be a registration requirement and that will be the order of the Court. The Courts  
21 concluded sentencing and the Court has made its determination that there will not



1 be registration requirements. This is probably over reaching my position, but I  
2 assume those of you back there, you know the potential, I know you don't want to  
3 believe it, but you know the potential. I hope you will be the registration requirement  
4 to make sure that another child is not put in a compromising position such as Mr.  
5 Weaver. Mr. Savage you have the right to appeal this Court's decisions that have  
6 been declared, you must do so in a timely matter within thirty days of today's date, if  
7 you cannot afford the cost to file that appeal you have the right to file that appeal  
8 free of charge as a United State Citizen, if you cannot afford the costs of any  
9 documents that we have in our possession and you need to promote and effectuate  
10 your appeal to this Courts decisions upon your requests, the Court will provide those  
11 to you. If you cannot afford the costs to hire an attorney to represent you certainly as  
12 I've suggested Mr. Hoover has done so. Mr. Hoover you have apologized you didn't  
13 give him the days in jail, him sitting on his chair, I have to assume you did not say you  
14 are not permitted to apologize for this screeches act, you cannot show any remorse,  
15 and so you owe no apology to the Court for that. If you cannot afford costs of hiring  
16 an attorney to represent you in an appeal upon your request the Court shall for with  
17 point counsel to represent you, you will be required to pay a twenty five dollar  
18 indigent council fee fund. Mr. Savage do you feel that you understand you're  
19 Appellate Rights and the timely manner must be exercised?

20 MR. SAVAGE: Yes sir.



1 COURT: Does the State wish to note for the record its objections  
2 for the ruling on lack of registration?

3 STATE: We would and also just to point for clarification, obviously the  
4 regular appeal has to do with the sentence and nothing else and also I think we all  
5 understood the Court particularly the defendants not under a State or Federal  
6 Firearm Assist Ability, although the probation could harm its discretion and condition  
7 of the probation and could prohibit those icons during the term of probation, either  
8 as a standard term or as a special term.

9 COURT: Anything additional, so the State notes its objection the  
10 Court takes and notes the objection of the Court's ruling on whether registration was  
11 required by law or with the Court attempting to exercise its broad discretion. Mr.  
12 Hoover do you have anything additional or objections to note?

13 MR. HOOVER: Yes your honor, we would object to the sentencing for  
14 the record.

15 COURT: Very well, so noted. Any further conceal?

16 MR. HOOVER: Yes your honor, just inquiring your honor, just trying to  
17 do my job, as far as the three days jail is there any possibility that the defendant  
18 could do house arrest, three for one on that your honor?

19 COURT: I appreciate the invitation, but the Courts going to  
20 decline that invitation, he will serve in the Adams County Jail, because of the nature  
21 of this offence he will probably be segregated into an area that he will serve the



1 three days in the Adams County Jail, July the 3<sup>rd</sup>, 9:00am to July the 6<sup>th</sup>, 9:00am. It is  
2 symbolic, there are several people that will be in there on those specific dates it's  
3 symbolic. I hope you came in pendants mentally on that day you deserve it.

4 MR. HOOVER: Your honor is there any possibility since Adams County  
5 Jail is overcrowded that he could serve that jail time in the Greene County Jail?

6 COURT: Certainly not, he brought this young man to Adams  
7 County that's where the offence took place; it will be served in Adams County, Ohio.

8 MR. HOOVER: And one further thing your honor, obviously the  
9 probation will be in Adams County?

10 COURT: Yes.

11 MR. HOOVER: Is there any possibility after the jail is served that the  
12 probation be transferred to Greene County just for convenience?

13 COURT: Absolutely.

14 MR. HOOVER: Thank you, your honor, do you want me to file a formal  
15 motion and should it be?

16 COURT: No you will discuss that with the Probation Department  
17 and we have receptacle ability's to transfer probation and I am certainly going to  
18 make sure the Probation Department does not have him doing any community  
19 service with children.

20 MR. HOOVER: Can he do his community service in Greene County if  
21 the probation is transferred there, your honor?



1 COURT: We may agree to half of it, but it was Adams that for  
2 the burden of this and Adams County will get some benefit back.

3 MR. HOOVER: Thank you, your honor.

4 COURT: To the guests and spectators, I admire you it had to be  
5 emotionally gut rinsing to sit in here and to listen to these matters, and to hear the  
6 legal arguments and yet throughout the entire proceeding with the one note of  
7 exception of smile in an inappropriate time or ingest of someone's heart felt  
8 statement, you were professional to this Court and the Courts staff and to each  
9 other, and it's with deep appreciation that I excuse you for the professionalism you  
10 displayed in this Court Room and the courtesy you extended to this Court and this  
11 Courts staff, is with deep appreciation, and found appreciation that I extend that to  
12 you. That shall conclude the hearing and what I will do is for Mr. Bobo to the left I will  
13 allow these guests to be excused first in case there is still emotional tension and then  
14 we will excuse the balance of the guests, we are off record.

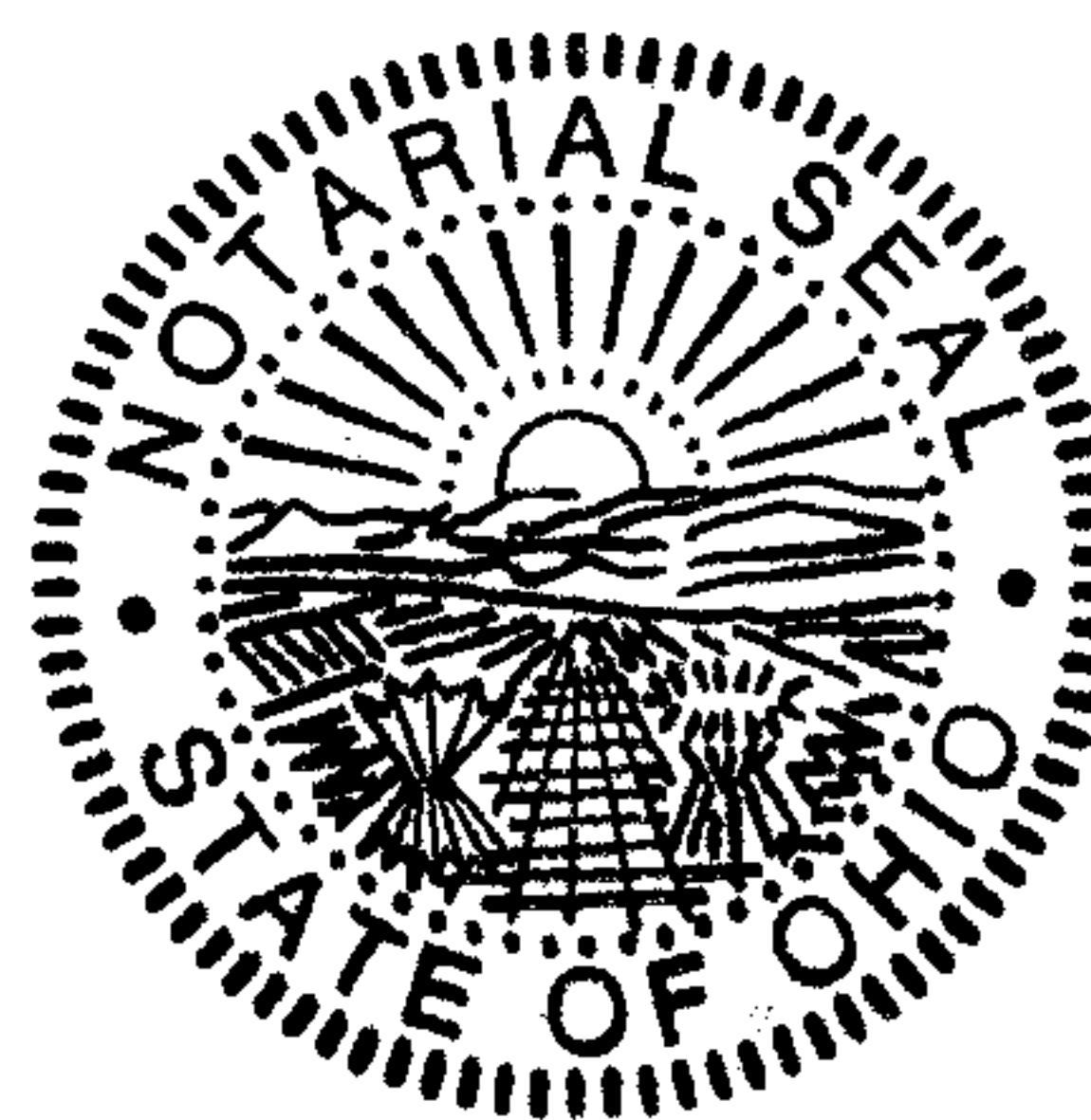


STATE OF OHIO, COUNTY OF ADAMS SS:

I, Marla Fite Bowling, certify that I am the Court Reporter/Notary Public for the Court of Common Pleas of Adams County, Ohio, and that the transcript of the within is a complete and accurate transcript of the subject matter to the best of my ability and knowledge. Any omissions and errors are not intentional and would be the result of the audio recording system.



Marla Fite Bowling  
Court Reporter/Notary Public  
State of Ohio



MARLA FITE BOWLING  
NOTARY PUBLIC  
STATE OF OHIO  
Recorded in  
Adams County  
My Comm. Exp. 1/8/17