

**FILED**  
IN COMMON PLEAS COURT

JAN 22 2014

3:30 p.m.

DENISE M. KAMINSKI  
Clerk of Courts  
Geauga County

JMK

**IN THE COURT OF COMMON PLEAS  
GEAUGA COUNTY, OHIO**

STATE OF OHIO,	)	CASE NO. 13 C 000112
	)	
Plaintiff	)	JUDGE FORREST W. BURT
	)	
vs.	)	
	)	<b>WRITTEN PLEA OF GUILTY</b>
DUSTIN S. PLOTTKE,	)	
	)	
Defendant	)	
	)	

I, Dustin S. Plottke, the Defendant in the above-captioned case, hereby state that my counsel has explained to me the facts and circumstances surrounding my plea, and the Court and my counsel have informed me of the charges against me and the penalty provided by law for those charges.

Prior to signing this written plea of "Guilty," I understand that I have the following constitutional rights which I would waive by pleading "Guilty."

I understand that this plea means I give up my right:

- To a jury trial or bench trial;
- To question or have my attorney question witnesses against me;
- To use the power of the court to call witnesses to testify for me.

I further understand that:

- I have the right to an attorney and since I cannot afford an attorney, the Court has appointed Henry J. Hilow, Esq., to represent me;
- At a trial I have the right to testify or not testify, and if I did not testify, that fact could not be used against me at trial;
- At a trial the State would be required to prove my guilt beyond a reasonable doubt on every element of each offense;
- If I was convicted at trial, I would have a right to appeal.

I hereby state that I understand these rights and privileges and the possible consequences of a "Guilty" plea. I hereby waive and reject all of these rights. I am voluntarily pleading "Guilty" of my own free will. By pleading "Guilty" I admit committing the offense listed below and may be asked to tell the Judge the facts and circumstances of my guilt.

I am not under the influence of drugs or alcohol. No threats have been made to me in order to obtain a plea. No promises other than those which are part of this plea agreement have been made to me in order to obtain a plea. I further state that I am a citizen of the United States.

My attorney has explained my right to appeal a maximum sentence, my other limited appellate rights, and that any appeal must be filed within thirty (30) days of the Court's entry of the judgment of my sentence. I know the Judge may either sentence me today or refer my case for a pre-sentence investigation report.

I now withdraw my former "Not Guilty" plea and enter a plea of "GUILTY" pursuant to the following agreement:

- The Defendant will plead guilty to **Count 1** of the Indictment, to wit: **Aggravated Murder**, in violation of **R.C. §2903.01(A)**, an **unclassified felony**.
- The State will seek leave to dismiss counts 2, 3, 4, and 5.
- At sentencing, the State jointly recommend a prison term of life, with the possibility of parole after twenty-five years, to be run concurrent to his current prison term.

I understand that the maximum penalty as to this count is as follows:

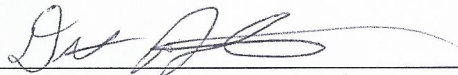
<u>Offense</u>	<u>Range of Potential Prison Term</u>	<u>Fine</u>	<u>Mandatory Prison</u>
Aggravated Murder (Count 1)	Life in prison with the possibility of parole after 20, 25, or 30 years, or life in prison without the possibility of parole	\$25,000	Yes

I understand that restitution, other financial costs, and other consequences are possible as follows: restitution.

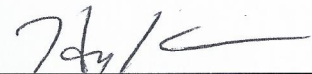
If the Court should impose the maximum penalties available on me, the maximum prison term would be life without the possibility of parole and the maximum fine would be \$25,000.

I understand for Count 1 that I do face mandatory time in prison, and the law does not allow me to apply for judicial release after a specific length of time served.

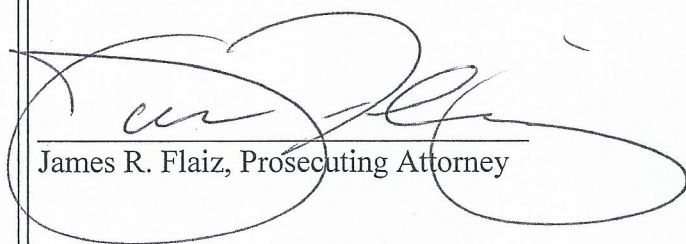
JANUARY 22, 2014  
Date

  
Dustin S. Plottke, Defendant

I, Henry J. Hilow, counsel for the Defendant herein, stipulate to the Court that I witnessed my client sign this WRITTEN PLEA OF GUILTY; that I have reviewed this document with him; that I have reviewed all the consequences of my client changing his plea to "Guilty," and I have, prior to these proceedings, advised my client that he does face a mandatory prison term with this "Guilty" plea.

  
Henry J. Hilow, Esq.  
Attorney for Defendant

WITNESSED BY:

  
James R. Flaiz, Prosecuting Attorney