

IN THE COURT OF COMMON PLEAS  
\_\_\_\_\_ COUNTY, OHIO

STATE OF OHIO, :  
 :  
 PLAINTIFF, :  
 :  
 V. : CASE NO. \_\_\_\_\_  
 :  
 \_\_\_\_\_, : JUDGE \_\_\_\_\_  
 Your Name :  
 DEFENDANT. :

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**DEFENDANT’S MOTION FOR JUDICIAL RELEASE**

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The Defendant respectfully requests judicial release pursuant to Ohio Revised Code §2929.20(B). The bases for this Motion are more fully set forth in the attached Memorandum in Support.

Respectfully submitted,

\_\_\_\_\_  
Your Signature

\_\_\_\_\_  
Your Name

\_\_\_\_\_  
Your Address

\_\_\_\_\_  
City, State and Zip Code

Pro Se Defendant

## MEMORANDUM IN SUPPORT

The Defendant respectfully requests judicial release pursuant to Ohio Revised Code §2929.20(B).

The Defendant is incarcerated at the \_\_\_\_\_. The Defendant was delivered to the prison system on the \_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_, and is an eligible offender pursuant to O.R.C. §2929.20(A)(1)(a).

Defendant respectfully submits that a sanction other than a prison term would adequately punish and protect the public from future criminal violations by Defendant because the applicable factors indicating a lesser likelihood of recidivism outweigh the applicable factors indicating a greater likelihood of recidivism and that a sanction other than a prison term would not demean the seriousness of the offense. O.R.C. §2929.20(J)(1).

The current COVID-19 epidemic in Ohio weighs heavily in favor of judicial release. On March 9, 2020, Governor Mike DeWine announced that three people in Ohio tested positive for COVID-19 and declared a state of emergency.<sup>1</sup> Two days later, Gov. DeWine announced the existence of COVID-19's community spread in our State and further restricted large gatherings of Ohioans.<sup>2</sup> Dr. Amy Acton, the director of Ohio's Department of Health, conservatively estimates that 1% of Ohio's population has a current COVID-19 infection.<sup>3</sup> To prevent further spread, Ohioans have been asked to routinely wash their hands and engage in social distancing practices.

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<sup>1</sup> <https://governor.ohio.gov/wps/portal/gov/governor/media/news-and-media/signs-emergency-order-regarding-coronavirus-response>

<sup>2</sup> <https://governor.ohio.gov/wps/portal/gov/governor/media/news-and-media/fourth-confirmed-case-covid19-limits-access-to-nursing-homes-assisted-living-facilities>

<sup>3</sup> <https://www.wcpo.com/news/national/coronavirus/dewine-confirms-fourth-covid-19-case-will-issue-new-rules-for-mass-gatherings-in-ohio>

There are currently over 48,000 people living in Ohio’s correctional institutions.<sup>4</sup> These individuals are spread across 30 institutions—most of which house over a thousand people in very tight quarters where social distancing is impractical or impossible.<sup>5</sup> Moreover, other protective measures—including regular handwashing and sanitizing—are more logistically complicated in our State’s correctional institutions.<sup>6</sup> Consequently, all incarcerated people are at heightened risk of contracting COVID-19, and those who are elderly and/or suffer from chronic medical conditions like heart disease, diabetes, and lung disease are at even greater risk.<sup>7</sup> In fact, a professor at the Yale School of Public Health noted in an article published in the Hartford Courant that, “[y]ou can think of our prisons as sort of nursing homes with bars...If we’re talking about a similarly aging population in our jails here, you’re talking about a carceral version of the same situation as you have in Washington State [where nursing homes have been the site of large COVID-19 outbreaks].”<sup>8</sup>

The public safety risks of COVID-19 are real and intensifying. Because of the unique risk of prison-based outbreaks, along with the potential for those outbreaks to spread into the community, reducing the number of people in Ohio’s prisons can protect not just those in the prison, but all of us. The Defendant is in a high-risk category, because

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<sup>4</sup> Ohio Department of Rehabilitation and Correction, January 21, 2020 Weekly Population Count Report, available at: <https://drc.ohio.gov/Portals/0/1006.pdf>

<sup>5</sup> *Id.* See also Turner and Levy (Aug. 2009), “Pandemic Influenza Preparedness and Response Planning: Guidelines for Community Corrections,” American Probation and Parole Association, available at: <https://www.appa-net.org/eweb/docs/appa/pubs/PIPRP.pdf> (noting the challenges of effectively enforcing quarantine procedures in prisons because of overcrowding, movement issues, and movement between prisons and the community).

<sup>6</sup> Ndeffo-Mbah et. al. (June 2018), “Dynamic Models of Infectious Disease Transmission in Prisons and the General Population,” *Epidemiol Rev.*; 40(1): 40-57 (“Incarcerated populations experience elevated burdens of infectious diseases, which are exacerbated by limited access to prevention measures.”).

<sup>7</sup> <https://www.cdc.gov/coronavirus/2019-ncov/specific-groups/high-risk-complications.html>.

<sup>8</sup> Lyons, Kelan “Elderly prisoners in Connecticut vulnerable to potential coronavirus outbreak,” *Hartford Courant* (Mar. 11, 2020), available at: <https://www.courant.com/coronavirus/hc-pol-coronavirus-connecticut-prisons-20200311-ote3jd6orje77ipl44qgi3bb6i-story.html>.

In contrast, the public faces minimal risk from releasing Defendant, who has made substantial strides toward rehabilitation during incarceration.

For the foregoing reasons, Defendant hereby respectfully requests:

1. that this Court order a hearing be held on this motion, pursuant to O.R.C. §2929.20(D); and,
2. that this Court issue an order compelling Defendant's attendance at the hearing; pursuant to O.R.C. §2929.20(H); and,
3. that Judicial Release be granted, subject to appropriate community control sanctions.

Respectfully submitted,

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Your Signature

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Your Name

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Your Address

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City, State and Zip Code

Pro Se Defendant

Certificate of Service

I hereby certify that a copy of the foregoing Motion was served on \_\_\_\_\_

County Name

Prosecutor's Office, \_\_\_\_\_ ,

Mailing Address of Prosecutor's Office

by ordinary US Mail postage pre-paid, this \_\_\_\_ day \_\_\_\_\_, 20 \_\_\_\_.

\_\_\_\_\_  
Your Signature

\_\_\_\_\_  
Your Name

Pro Se Defendant