

IN THE COURT OF COMMON PLEAS
CUYAHOGA COUNTY, OHIO

THE STATE OF OHIO)	CASE NO. CR 02 419212
)	
Plaintiff)	JUDGE JOHN P. O'DONNELL
)	
-vs-)	<u>JOURNAL ENTRY GRANTING</u>
)	<u>CONDITIONAL RELEASE</u>
WILLIAM SEITZ)	
)	
Defendant)	

On March 25, 2002, the defendant was found not guilty by reason of insanity of improperly discharging a firearm into a habitation, a felony of the second degree in violation of Ohio Revised Code §2923.161, and vandalism, a felony of the fifth degree in violation of O.R.C. §2909.05. The court then held a hearing under Ohio Revised Code §2945.40 and found that the defendant was a mentally ill person subject to hospitalization by court order, and that the least restrictive treatment alternative consistent with public safety and the treatment needs of the defendant was at Northcoast Behavioral Healthcare's psychiatric hospital in Northfield. The court retained jurisdiction over the defendant for eight years pursuant to O. R. C. §2945.401(J)(1)(b).

On July 22, 2003, the defendant was granted a conditional release. Since then his compliance with the terms of his conditional release was inconsistent, with conditional release being revoked twice, most recently on November 14, 2008.

On June 15, 2009, a hearing was held pursuant to O.R.C. §2945.401(D) upon the request of the treatment team for conditional release to a 24-hour supervised group home with other

conditions, including partial hospitalization. The hearing was attended by the defendant and his counsel, Marc Doumbas. Assistant county prosecutor Michael Graham represented the state. Evidence admitted at the hearing included: the April 30, 2009 report of Przemyslaw Kapalczynski, M.D., a Northcoast psychiatrist; the June 4, 2009 report of Michael H. Aronoff, Psy. D, the chief of psychology of the Court Psychiatric Clinic who performed a second opinion evaluation of the defendant; the May 4, 2009 correspondence to the court of Stephen G. Noffsinger, M.D., the chief clinical officer at Northcoast; and the three-page proposed conditional release plan. Additionally, Dr. Kapalczynski was present and testified.

Both of the evaluating physicians agree that the defendant remains a mentally ill person subject to civil commitment by court order and that the least restrictive setting, consistent with the defendant's treatment needs and the safety of the public, is conditional release into the community to a 24-hour supervised group home under the conditions of the three-page plan. There was no evidence to the contrary.

O.R.C. §2945.401(G) provides as follows:

(G) In a hearing held pursuant to division (C) or (D)(1) of this section, the prosecutor has the burden of proof as follows:

* * *

(2) For a recommendation for a change in the conditions of the commitment to a less restrictive status, to show by clear and convincing evidence that the proposed change represents a threat to public safety or a threat to the safety of any person.

The court finds that the state has not shown by clear and convincing evidence that the proposed change in movement to conditional release represents a threat to public safety or a threat to the safety of any person.

Therefore, the court hereby **grants** the request for conditional release to a 24-hour supervised group home under all the conditions set forth in the three-page conditional release plan signed by the defendant on April 3, 2009 and attached as Exhibit A to this journal entry.

IT IS SO ORDERED:

Date: June _____, 2009

JOHN P. O'DONNELL, JUDGE

SERVICE

A copy of the foregoing Journal Entry Granting Conditional Release was sent by regular U.S. mail, this ____ day of June, 2009, to the following:

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