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LORAIN COUNTY  
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COURT OF COMMON PLEAS  
LORAIN COUNTY, OHIO

LORAIN COUNTY COURT OF COMMON PLEAS  
LORAIN COUNTY, OHIO  
JOURNAL ENTRY  
Hon. D. Chris Cook, Judge

Date May 24, 2018

Case No. 15CR092788

STATE OF OHIO  
Plaintiff

Paul Griffin  
Plaintiff's Attorney

VS

JERRY PEFFER  
Defendant

Michael Goldberg  
Defendant's Attorney

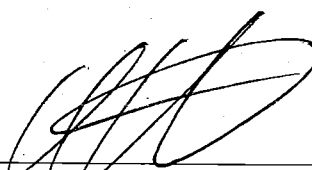
This matter is before the Court on Defendant's Second Motion For Judicial Release pursuant to R.C. 2929.20, filed February 2, 2018. The State responded in opposition on February 8, 2018.

Hearing had March 27, 2018.

The Motion is not well-taken and is hereby DENIED.

See Judgment Entry.

IT IS SO ORDERED. No Record.

  
\_\_\_\_\_  
Judge D. Chris Cook

cc: Griffin, APA  
Goldberg, Esq.



**LORAIN COUNTY COURT OF COMMON PLEAS  
LORAIN COUNTY, OHIO  
JUDGMENT ENTRY  
Hon. D. Chris Cook, Judge**

Date May 24, 2018

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STATE OF OHIO  
Plaintiff

Paul Griffin  
Plaintiff's Attorney

VS

JERRY PEFFER  
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Michael Goldberg  
Defendant's Attorney

**INTRODUCTION**

This matter is before the Court on Defendant's Second Motion For Judicial Release pursuant to R.C. 2929.20, filed February 2, 2018. The State responded in opposition on February 8, 2018.

Hearing had March 27, 2018.

**PROCEDURAL HISTORY**

On November 19, 2015, the Defendant was indicted for one count of Gross Sexual Imposition, a felony of the 4<sup>th</sup> degree.

On June 20, 2017, after a two-day jury trial, the Defendant was convicted and on July 21, 2017, he was sentenced to twelve-months incarceration at Lorain Correctional Institution.

His first Motion For Judicial Release was denied on October 5, 2017, without a hearing.

This present Motion followed.

**STANDARD OF REVIEW**

Accordingly, before a trial court may grant judicial release, the court must make the findings contained in R.C. 2929.20(J) with reference to factors in R.C. 2929.12, specify those findings on the record, and list the relevant factors presented at the hearing. \* \* \*

*State v. Nichter*, 10<sup>th</sup> Dist. No. 15AP-40, Franklin, 2015-Ohio-3489, at ¶ 7.



## ANALYSIS

This matter presents a very close call for the Court.

In construing an offender's eligibility, or better-put, propriety for judicial release, the Court is to consider the seriousness of the crime and the recidivism factors relevant to the offense and the offender, pursuant to RC 2929.12.

The more serious factors present in this case include, physical or mental injury suffered by the victim, serious physical, psychological, or economic harm suffered by the victim, and that the offender's reputation with the victim facilitated the offense. RC 2929.12(B).

The less serious factors present in this case include, in committing the offense, the offender did not expect to cause physical harm to the victim. RC 2929.12(C).

As to the factors regarding the likelihood that the offender will commit future crimes, there are no factors. RC 2929.12(D).

And, as to the factors regarding the likelihood that the offender will not commit future crimes, the offender has no juvenile adjudications nor has he been convicted of or plead guilty to a criminal offense prior to committing the offense, the offender had led a law-abiding life for a significant number of years, and the offender shows genuine remorse for the offense. RC 2929.12(E).

Given the above as well as the other information provided and made part of the record, the criteria compelling judicial release include the fact that the Defendant has never been in trouble with the law before, has adjusted well to incarceration and had no institutional infractions, appears to genuinely regret his actions, and acknowledges his wrongful conduct.

Mitigating against judicial release include the seriousness of the offense as it involved a sexual assault against a minor, the trauma visited upon the victim and his family by the Defendant's actions, and, most troubling, the manner in which the Defendant manipulated an entire family in order to groom and eventually sexually assault a teenage boy all the while purporting to be the young man's surrogate father.

On paper, given all of the factors and weighing them against one-another, this Court would probably be inclined to grant judicial release. In addition to the less serious factors, and despite the fact that this is a sexually oriented offense, the Court is firmly convinced that this Defendant will not offend again.



Nevertheless, the Court was strongly moved by the victim's family's presentation at the release hearing held on March 27, 2018.

The family members, particularly the victim's mother and younger brother, emotionally yet eloquently described the horror this crime, and their involvement with the Defendant, wrought upon the family.

The Defendant endeared himself to the victim's mother under the pretext of a romantic odyssey. However, this interloper was not at all interested in her, but instead, her son. Very quickly after gaining the trust of the mother, the Defendant began his quest to seduce the son. The Defendant bought expensive gifts and lavished them on the boy, often neglecting mom's other children. Eventually, the Defendant weaseled mom into allowing him to take the boy on overnight, weekend "visits" where they were soon sleeping in the same bed.

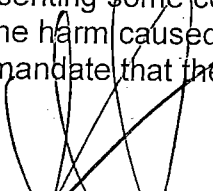
Ultimately, the Defendant made his move and sexually assaulted the teen. He was caught when the boy disclosed to a friend what had happened, who told a school counselor.

The impact of the Defendant's conduct has literally torn this family apart. The victim and his mother are now estranged as he blames her for what happened and will not see her or his siblings. Her younger children are traumatized by what happened and have lost a brother. All because of the Defendant's selfish, unfettered sexual appetite to molest a teenage boy.

The family's pain and loss is heartbreaking and at least to this Court, is the single, defining factor in denying judicial release. At least by serving his entire twelve-month sentence<sup>1</sup>, the family will receive some closure and the Defendant will, hopefully, appreciate the magnitude of the harm he caused.

### CONCLUSION

Despite this matter being a close call and the Defendant presenting some compelling reasons and factors in favor of release, this Court finds that the harm caused to the victim and his family justify the denial of judicial release and mandate that the Defendant serve his entire sentence.

  
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JUDGE D. Chris Cook

<sup>1</sup> The Defendant could have received up to 18 months in prison.