

**COURT OF COMMON PLEAS
CLERMONT COUNTY, OHIO**

STATE OF OHIO	:	
Plaintiff	:	CASE NOS. 2011 CR 00791 2011 CR 00890
vs.	:	Judge McBride
ADAM MICHAEL LANG	:	
Defendant	:	DECISION/ENTRY

Lara A. Molnar, assistant prosecuting attorney for the state of Ohio, 123 North Third Street, Batavia, Ohio 45103.

Ronald A. Mason, assistant public defender for Adam Michael Lang, 10 South Third Street, Batavia, Ohio 45103.

This cause is before the court for consideration of the state’s motion to consolidate filed in the above-captioned cases on February 29, 2012.

The court scheduled and held a hearing on the motion to consolidate on April 11, 2012. At the conclusion of the hearing, the court took the motion under advisement.

“In general, the law favors joining multiple offenses in a single trial if the offenses charged are of the same or similar character * * * and Crim.R. 13 provides that two or more indictments may be tried together ‘if the offenses * * * could have been joined in a

single indictment [or information].’ ”¹ Pursuant to Crim.R. 8(A), two or more offenses may be charged in the same indictment if the offenses charged are “of the same or similar character, or are based on the same act or transaction, or are based on two or more acts or transactions connected together or constituting parts of a common scheme or plan, or are part of a course of criminal conduct.”²

The defendant is charged in case number 2011 CR 00791 with one count of breaking and entering in violation of R.C. 2911.13(B) and one count of grand theft in violation of R.C. 2913.02(A)(1). Similarly, the defendant is charged in case number 2011 CR 00890 with one count of breaking and entering in violation of R.C. 2911.13(B) and one count of theft in violation of R.C. 2913.02(A)(1). In case number 2011 CR 00791, it is alleged that the defendant entered onto the victim’s property by force on September 2, 2011, stole property worth over \$8,000.00, and sold some of the items to Sardinia Recycling. In case number 2011 CR 00890 it is alleged that, on June 9, 2011, the defendant trespassed on the property of New Richmond Schools, was caught by school personnel to have loaded his truck with various school property to sell for scrap, and unloaded the truck except for three items valued at over \$3,000.00.

Based on the offenses charged and the state’s allegations at set forth above, the court finds that these offenses are of the same and similar character. Furthermore, “[a]n accused is not prejudiced by joinder when simple and direct evidence exists as to each separate crime, regardless of the admissibility of evidence of other crimes under

¹ *State v. Vanderhorst* (April 29, 2010), 8th Dist. No. 93040, 2010-Ohio-1856, ¶ 43, citing *State v. Lott* (1990), 51 Ohio St.3d 160, 163, 555 N.E.2d 293.

² Criminal Rule 8(A).

Evid.R. 404(B).”³ The court finds that the evidence to be presented as to the offenses charged in each case will be simple and direct.

Based on the above analysis, the state’s motion to consolidate the above-captioned cases is well-taken and is hereby granted. A trial setting conference shall be held on Tuesday, April 24th at 8:30 a.m.

IT IS SO ORDERED.

DATED: _____
Judge Jerry R. McBride

CERTIFICATE OF SERVICE

The undersigned certifies that copies of the within Decision/Entry were sent via Facsimile/E-Mail/Regular U.S. Mail this 17th day of April 2012 to all counsel of record and unrepresented parties.

³ *Vanderhorst* at ¶ 45, citing, *Lott* at 163.