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STATE OF INDIANA )  
 ) ss:  
COUNTY OF LAKE )

SUPERIOR COURT OF LAKE COUNTY  
CRIMINAL DIVISION  
CASE 45G01-0212-FD-00270

2004 093885

STATE OF INDIANA, )  
 )  
Plaintiff, )  
 )  
V. )  
 )  
HUGH SCOTT, JR., )  
 )  
Defendant. )

**ORDER**

03-30-04

The defendant Hugh Scott, Jr. appears in person with his Attorney Richard Wolter. The State of Indiana appears by Deputy Prosecuting Attorney Christy Short. The court now enters judgment for the crime of Count I: Battery; and Count II: Resisting Law Enforcement, Class D felonies. A sentencing hearing is conducted. Evidence and arguments are heard. The court considers the written presentence investigation report and sentences the defendant to a term of Count I two (2) years; and Count II: two (2) years. Said sentences are order served concurrently. The Court suspends one (1) year of said sentence. The Court orders the defendant committed to the Lake County Jail for a term of one (1) year. After serving six (6) months of the one (1) of imprisonment commitment, if the defendant qualifies, and pursuant to IC 35-38-2.6-3, the commitment to the Lake County Jail is suspended, and as an alternative to that commitment, the defendant will be committed to the Lake County Community Corrections, Kimbrough Work Program, for a term of six (6) months. Pursuant to this court's order, Lake County Community Correction is to evaluate the defendant for possible acceptance into that program after the defendant serves his initial six (6) month term in Lake County Jail. The defendant is placed on probation for a term of one (1) year after his release from imprisonment. An administrative fee of \$100, an initial probation user's fee of \$25 and a monthly fee of \$15 are now imposed. The court will allow the defendant to petition the court for judgment of conviction to be entered as a Class A misdemeanor if he should successfully complete this sentence.

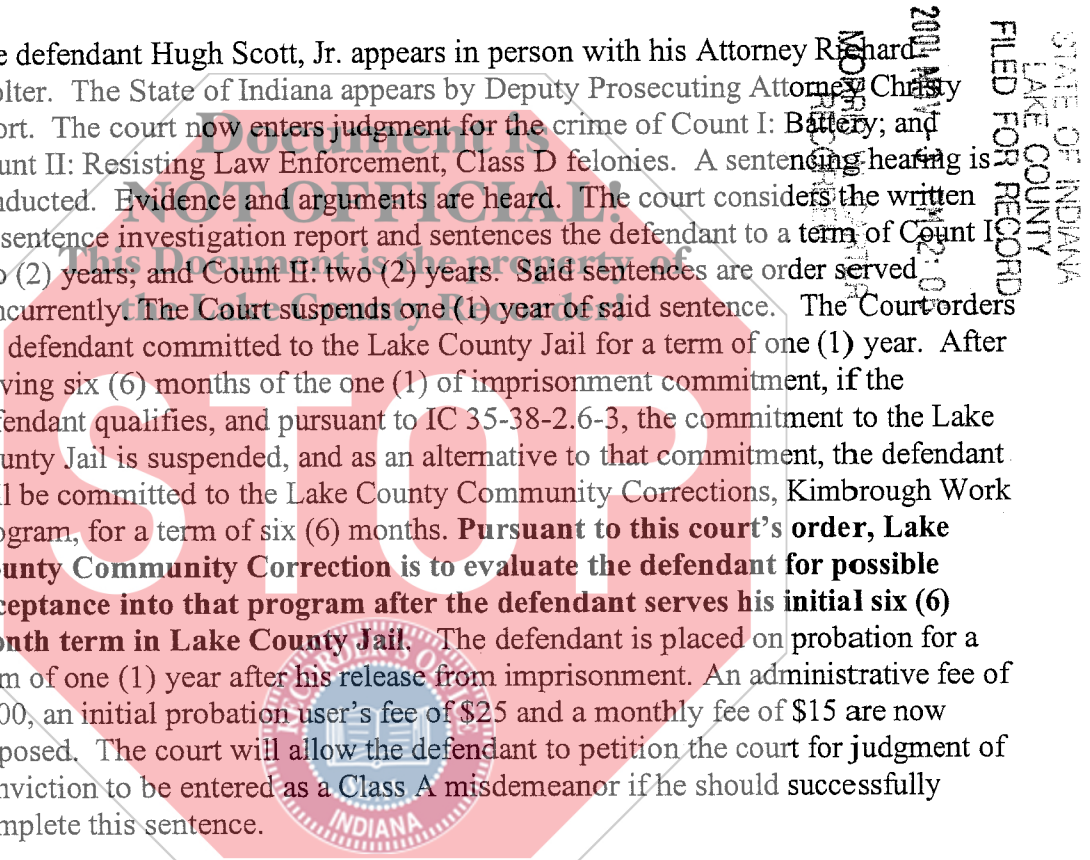
**MANDATORY CONSIDERATIONS:**

- 1. The risk that the defendant will commit another crime is medium.

# 2003-025792

Mally Shaffer  
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PS GP



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LAKE COUNTY

2. The nature and circumstances of the crime committed are as follows: the defendant resisted law enforcement and upon doing so, committed a battery on the arresting officer.

3. The defendant's prior criminal history is as follows: as a juvenile none; and as an adult: as noted below.

4. The defendant's character is disrespectful and impulsive; and his condition is that of a healthy black male.

**MITIGATING CIRCUMSTANCES:** The Court considers the following factors as mitigating circumstances or as favoring suspending the sentence and imposing probation: the court finds nothing in mitigating factors.

**AGGRAVATING CIRCUMSTANCES:** The Court considers the following factors as aggravating circumstances or as favoring imposing consecutive terms of imprisonment:

1. The defendant has a history of criminal activity as follows: February, 2003- Public Intoxication, a misdemeanor, which was committed after the defendant posted bond in the current case.

2. The defendant has a history of arrests. The defendant has two pending charges from Gary City Court for Gun No Permit, both misdemeanors. The defendant was on bond at the time this offense was committed.

3. The defendant has many pending cases: two Gun No Permit and Battery, Resisting Law Enforcement, and Refusal to Identify from Gary City Court and two charges of Pointing a Firearm pending in this court.

The court finds that the aggravating factors outweigh any mitigating factor.

The defendant is to receive credit for 23 days spent in confinement as a result of this charge, plus 23 days of good time credit as provided by law, for a total of 46 days credit.

The Court now advises the defendant of his right to appeal his conviction according to law and the defendant now states that he **does not** wish to appeal his conviction. The defendant waives the reading of general rules of the probation terms in open court.

The defendant is remanded to the custody of the Sheriff for execution of the judgment of this Court. Real Estate posted on behalf of the defendant is ordered released. Public Defender fees are waived. Court costs are assessed. Defendant is found to be indigent and shall not be incarcerated for failure to pay court costs. Case disposed. [Susan L. Bono reporting.]

SO ORDERED: SALVADOR VASQUEZ, Judge [nm]

State of Indiana vs Hugh Scott, Jr.  
Cause 45G01-0212-FD-00270



<b>CERTIFICATION OF CLERK</b>	
As legal custodian I hereby certify that the above and foregoing is a true and complete copy of the original on file with this office in the cause stated thereon.	
Witness my hand and the seal of the court this	
<u>29<sup>th</sup></u>	day of <u>October</u> 20 <u>04</u> .
<u>Thomas K. Philipat</u>	
Clerk of the Lake Circuit and Superior Courts	
By: <u>[Signature]</u>	Deputy Clerk