

STATE OF INDIANA)
) ss:
COUNTY OF LAKE)

SUPERIOR COURT OF LAKE COUNTY
CRIMINAL DIVISION
CROWN POINT, INDIANA
CASE 45G03-0808-FA-00032

RECEIVED

SEP 15 2009

Robert K. Neary
CLERK LAKE SUPERIOR COURT

STATE OF INDIANA,)
)
Plaintiff,)
)
v.)
)
JOSE ALBERT TAJADA'DE DELGADO,)
)
Defendant.)

D.O.B. 110511977

ORDER

09-14-09 The State of Indiana appears by Deputy Prosecuting Attorney Robert Neary. The defendant appears in person with Deputy Public Defender T. Edward Page. Ms. Gloria Torres-Lupo is sworn in as interpreter.

Cause submitted for acceptance of plea and sentencing hearing. The Court now accepts said plea agreement and finds the defendant guilty of the amended charge in Count III: Child Molesting, a Class B Felony. The Court having reviewed the pre-sentence investigation report and the parties offering no changes, accepts same of record. Evidence presented. Arguments of counsel heard.

Having considered the written pre-sentence investigation report, as well as I.C. 35-38-1-7.1, the Court now enters the following findings and sentence:

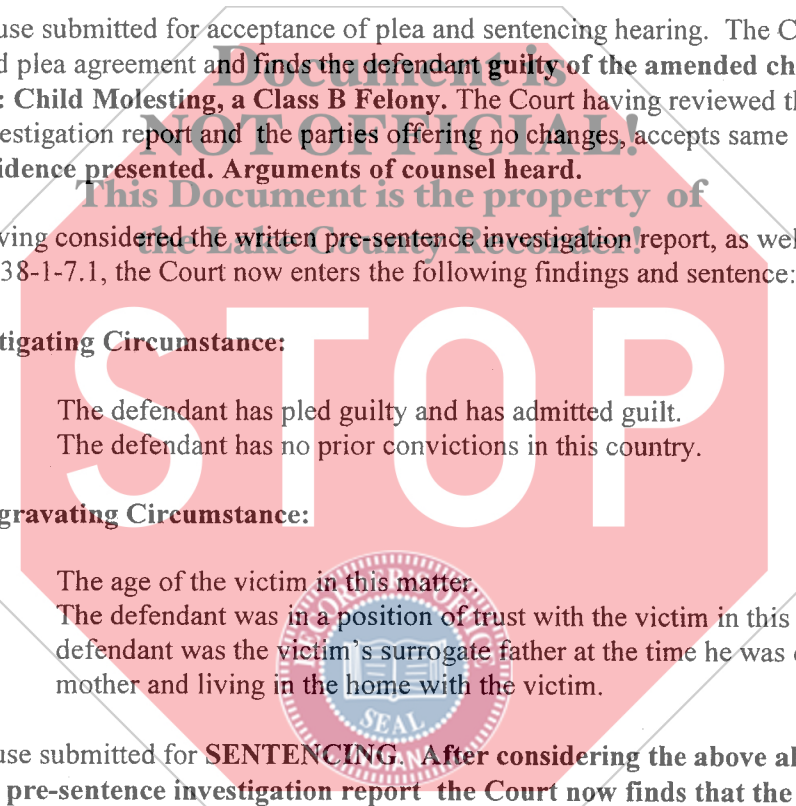
Mitigating Circumstance:

1. The defendant has pled guilty and has admitted guilt.
2. The defendant has no prior convictions in this country.

Aggravating Circumstance:

1. The age of the victim in this matter.
2. The defendant was in a position of trust with the victim in this matter in that the defendant was the victim's surrogate father at the time he was dating the victim's mother and living in the home with the victim.

Cause submitted for SENTENCING. After considering the above along with the pre-sentence investigation report the Court now finds that the aggravating circumstance for the position of trust he had with the victim and her very young age as significant, finds the defendant guilty of the amended charge in Count III: Child Molesting, a Class B Felony; and sentences the defendant to eight (8) years in the Indiana Department of Correction.



2009 09 28 11 18 AM

STATE OF INDIANA
LAKE COUNTY
FILED FOR RECORDS
MICHAEL A. BROWN
RECORDER
2009 SEP 28 PM 12:47

NC
RM

The defendant is to receive credit for three hundred ninety two (392) days spent in confinement as a result of this charge, plus three hundred ninety two (392) days of good time credit as provided by law for a total of 784 days credit.

Court costs are imposed and are to be entered as a judgment against the defendant in this matter.

Deputy Public Defender Page is instructed to prepare an affidavit of services in this matter so that a judgment may be entered against the defendant for the cost of representation in this matter.

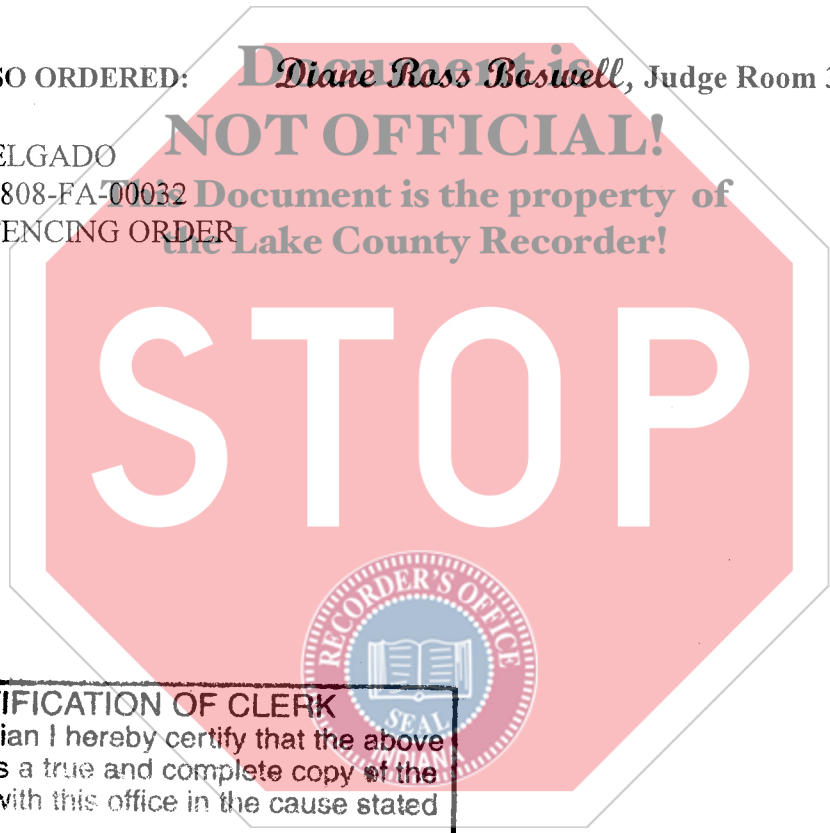
Pursuant to the plea agreement, the State files a Motion to Dismiss Counts I and II, only. Granted.

The Court reads Criminal Rule 11 regarding the defendant's right to appeal or to file a motion to correct errors of the Court's judgment of sentence under Criminal Rule 11. The defendant at this time does not request the appointment of an appellate public defender.

Defendant is remanded to the hands of the Lake County Sheriff for execution of judgment of the Court. Cause ordered disposed. (Vernishia Thompson Payne reporting.)

SO ORDERED: *Diane Ross Boswell*, Judge Room 3 (lcm/14)

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CASE 45G03-0808-FA-00032
09-14-09 SENTENCING ORDER
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CERTIFICATION OF CLERK
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 25th day of September 2009.
Thomas C. Phelan
Clerk of the Lake Circuit and Superior Courts
By: *Patty Anderson*
Deputy Clerk

P.D. Fees 694.20
COURTCOST 164.00