

STATE OF INDIANA)
) ss:
COUNTY OF LAKE)

SUPERIOR COURT OF LAKE COUNTY
CRIMINAL DIVISION
CROWN POINT, INDIANA

2010 011110

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STATE OF INDIANA,)
)
) Plaintiff,)
)
) v)
)
) AARON LEE FLEMING,)
)
) Defendant.)

CAUSE 45G02-0907-FC-00087

RECEIVED

FEB 05 2010

M. J. ...
CLERK LAKE SUPERIOR COURT

2010 MAR - 1 PM 1:49
FILED FOR RECORD

D.O.B. 5/04/1980

ORDER

02-05-10

The State of Indiana appears by Deputy Prosecuting Attorney Joseph Nugent. The defendant, Aaron L. Fleming, appears in person with Attorney Adam Tavitas. Further proceedings are held. The parties submit a plea agreement in which the defendant enters a plea of guilty under oath to Count VI, Battery, a Class D Felony. The court examines the defendant further under oath and finds that he understands the nature of the charges against him, and the possible penalties; that his plea of guilty is voluntarily and knowingly entered; and that there is a factual basis for the plea. The court accepts the plea agreement on this date and now enters judgment of conviction for the offense of Count VI, Battery, a Class D Felony.

The parties waive the preparation of the presentence investigation report for purposes of sentencing.

SENTENCING STATEMENT:

Having considered I.C. 35-38-1-1.3 and I.C. 35-38-1-7.1, the court now enters the following findings and sentence:

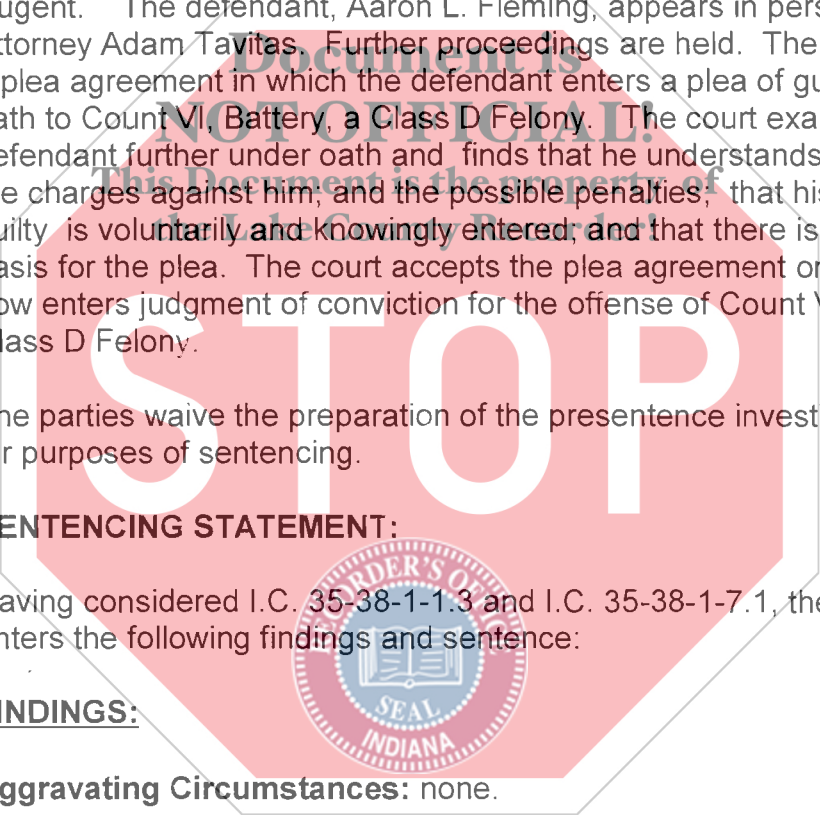
FINDINGS:

Aggravating Circumstances: none.

Mitigating Circumstances:

1. The defendant is likely to respond affirmatively to probation or short term imprisonment.

N/C
LP



2. The defendant admitted his guilt by way of plea agreement, thus saving the court and the citizens of Lake County, Indiana the time and expense of a trial.

After presentation of evidence and hearing argument, the court finds that the aggravating factors are outweighed by the mitigating factors and the agreed term as stipulated to by the parties to be a reasonable and appropriate sentence based on the law and facts of the case.

SENTENCE:

Pursuant to the terms of the plea agreement, the court now sentences the defendant as follows:

The defendant is now ordered committed to the custody of the Lake County Jail for a period of twelve (12) months.

The court will not consider judgment of conviction as a Class A Misdemeanor upon the satisfactory completion of the sentence.

The defendant is to receive credit for 184 days spent in confinement as a result of this charge, plus 184 days of good time credit as provided by law for a total of 368 days credit toward the sentence of imprisonment.

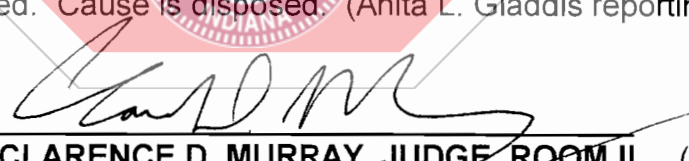
The Court finds that the defendant has served the executed portion of the sentence.

The defendant shall pay a court costs fee, which the Court orders reduced to a judgment against the defendant.

The defendant has been advised of his postconviction relief rights and appeal rights.

The defendant is ordered released from custody INSTANTER, subject to any outstanding holds or warrants. Pursuant to the terms of the plea agreement, the State of Indiana files a motion to dismiss Count I, II, III, IV, V, VII and VIII, which is granted. The clerk is directed to notify the Sheriff of Lake County. The Court further orders the February 8, 2010 trial setting vacated. Cause is disposed. (Anita L. Gladdis reporting.)

SO ORDERED:


CLARENCE D. MURRAY, JUDGE, ROOM II (Sjm)

State of Indiana v AARON LEE FLEMING
Cause No. 45G02-0907-FC-00087

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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 FEBRUARY 2010.

Michael Blown
Clerk of the Lake County Superior Courts

By: Kathy Anderson
Deputy Clerk