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STATE OF INDIANA
COUNTY OF LAKE

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SUPERIOR COURT OF LAKE COUNTY
CRIMINAL DIVISION
CROWN POINT, INDIANA

2010 058390

STATE OF INDIANA,

M. J. [Signature]
CLERK LAKE SUPERIOR COURT

Plaintiff,

v

CAUSE 45G02-0603-FC-00033

DAVID SERRANO,

Defendant.

ORDER

09-29-10

The State of Indiana appears by Deputy Prosecuting Attorney Evelyn Scott. The defendant, David Serrano, appears in person and with Attorney Stephen Scheele. The defendant having been found guilty by a jury on the 24th day of August, 2010, the Court having entered judgment on the verdict for conviction of the offenses of Child Molesting, a Class C Felony in Count I and Contributing to the Delinquency of a Minor, a Class A Misdemeanor in Count II.

STATE OF INDIANA
LAKE COUNTY
FILED
2010 OCT 1 2 29 PM '10
MICHAEL J. [Signature]

SENTENCING STATEMENT:

Having considered the written presentence investigation report, the contents of which the Court incorporates by reference, as well as I.C. 35-38-1-1.3 and I.C. 35-38-1-7.1, the court enters the following findings and sentence:

FINDINGS:

Aggravating Circumstances:

1. The Court finds the nature and circumstances of the crime to be a significant aggravating factor in that the defendant is the uncle of the victim (his sister's daughter) and was thus in a position of great trust with her. Also, the defendant purchased alcohol for the victim with the express purpose of lowering her resistance to the defendant's advances.

Mitigating Circumstances:

1. The defendant has no history of delinquency or criminal activity, and the defendant has led a law-abiding life for a substantial period before commission of the crime.
2. The defendant is likely to respond affirmatively to probation or short term imprisonment.

NC
AB

After presentation of evidence and hearing argument, the court finds that the aggravating factors outweigh the mitigating factors.

SENTENCE:

The Court now sentences the defendant as follows:

The defendant is now ordered committed to the custody of the Department of Correction for classification and confinement in a medium security facility for a period of five (5) years on Count I and one (1) year on Count II.

The sentences of imprisonment are to be served concurrently to each other.

The sentence of imprisonment is suspended after serving four (4) years.

Pursuant to I.C. 35-38-1-5(b), the Court notes that it currently cost an average of \$53.96 per day to house an adult inmate at the Indiana Department of Corrections. The defendant's sentence calls for an executed term of imprisonment of 1,460 days. Accordingly, the estimated total cost to incarcerate the defendant for this term of imprisonment is \$78,781.60. This estimated cost does not include reductions which will result if the defendant is eligible to receive credit for time served in confinement prior to conviction, credit time earned to date or in the future, or any other credits against the sentence. The estimated cost also does not reflect any future changes in the cost of incarceration.

The defendant is placed on probation for one (1) year under the terms and conditions of the court's probation agreement. The Court imposes probation fees as determined and assessed by the Probation Department. Additional conditions are as follows:

Special conditions:

- The defendant shall register with local law enforcement authorities as a sex offender within seven (7) days of being released to probation supervision in accordance with IC 5-2-12-5.
- **The defendant shall not reside within one thousand (1000) feet of school property in accordance with IC 35-38-2-2.2.**
- The defendant shall not reside within one (1) mile of the residence of the victim in this offense (as defined by IC 35-38-2-2.5(b)) in accordance with IC 35-38-2-2.5 (c).
- The defendant shall attend, actively participate in and successfully complete a court-approved sex offender treatment program as directed by the court. Prompt payment of any fees is the defendant's responsibility and must maintain steady progress towards all treatment goals as determined by the treatment provider. Unsuccessful termination from treatment or non-compliance with other required behavioral management requirements will be considered a violation of probation. The defendant will not be permitted to change treatment providers unless the court gives prior written approval.

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 in reason.

Witness my hand and the seal of the court this

10th day of October 2010

Michael A. Brown

Clerk of the Court of Appeals and District Courts

By Katly Anderson
Deputy Clerk

- The defendant shall not miss any appointments for treatment, psychotherapy, counseling, or self-help groups (any 12 Step Group, Community Support Group, etc.) without the prior approval of their probation officer and the treatment provider involved, or a doctor's excuse. The defendant shall comply with the attendance policy for attending appointments as outlined by the court. The defendant shall continue to take any medication prescribed by physician.
- The defendant shall not possess obscene matter as defined by IC 35-49-2-1 or child pornography as defined in 18 U.S.C. § 2256(8), including but not limited to: videos, magazines, books, DVD's, and material downloaded from the Internet. The defendant shall not visit strip clubs, adult bookstores, motels specifically operated for sexual encounters, peep shows, bars where partially nude or exotic dancers perform, or businesses that sell sexual devices or aids.
- The defendant shall undergo a mental health evaluation and follow any recommendations set forth by the mental health professional. The defendant shall undergo a mental health evaluation and follow any recommendations set forth by the mental health professional.
- The defendant shall not consume alcohol or use any controlled substance.
- The defendant shall submit to a substance abuse evaluation and follow all recommendations of the treatment provider at defendant's own expense.
- The defendant shall be required to inform all persons living at place of residence about all of their sex-related convictions. The defendant shall notify the probation officer of any changes in home situations or marital status. The defendant shall have only one residence and one mailing address at a time.
- The defendant shall not travel alone after 10 p.m. (including but not limited to: driving, walking, bicycling, etc.) unless given permission by the probation officer.
- The defendant shall notify the probation officer of establishment of a dating, intimate and/or sexual relationship. The defendant shall notify any person with whom they are engaged in a dating, intimate or sexual relationship of their sex-related conviction(s). The defendant shall not engage in a dating, intimate or sexual relationship with any person who has children under the age of 18 years.
- The defendant's probation officer must first approve any employment and may contact the employer at any time. The defendant will not work in certain occupations that involve being in the private residences of others, such as, but not limited to, door-to-door sales, soliciting, home service visits or delivery.
- The defendant shall have no contact with the victim or victim's family unless approved in advance by the probation officer and treatment provider for the benefit of the victim. Contact includes face-to-face, telephonic, written, electronic, or any indirect contact via third parties.
- The defendant shall not be present at schools, playgrounds, or day care centers unless given permission by the court.
- The defendant shall not participate in any activity which involves children under 18 years of age, such as, but not limited to, youth groups, Boy Scouts, Girl Scouts, Cub Scouts, Brownies, 4-H, YMCA, YWCA, or youth sports teams, unless given permission by the Court.

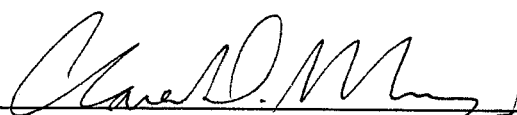
- The defendant shall sign a waiver of confidentiality, releases of information, or any other document required that permits their probation officer and other behavioral management or treatment providers to examine any and all records relating to him/her to collaboratively share and discuss their behavioral management conditions, treatment progress, and probation needs as a team. This permission may extend to: (1) sharing their relapse prevention plan and treatment progress with their significant others and/or the victim and victim's therapist as directed by the probation officer or treatment provider(s); and (2) sharing of the modus operandi behaviors with law enforcement personnel.
- The defendant shall participate in and complete periodic polygraph testing at their own expense at the direction of their probation officer or any other behavioral management professionals who are providing treatment or otherwise assisting their probation officer in monitoring their compliance with their probation conditions.
- The defendant shall be under intensive supervision and report to their probation officer as directed. He/she shall complete a travel log and/or journal of daily activities as directed by their probation officer.
- The defendant shall not use any computer with access to any on-line computer service at any location (including their place of employment) without prior approval of their probation officer. This includes any Internet service provider, bulletin board system, e-mail system or any other public or private computer network. He/she shall not possess or use any data encryption technique or program.
- The defendant shall allow their probation officer and/or probation computer service representative, based on reasonable suspicion, to conduct periodic unannounced examinations of their home computer(s) equipment. Such examinations may include retrieval and copying of all memory from their computer(s) and any internal or external peripherals to ensure compliance with their special probation conditions, and/or removal of such equipment for the purpose of conducting a more thorough inspection. Their probation officer may have installed on your computer(s), at your expense, any hardware or software systems to monitor their computer use.

The defendant is to receive credit for **50** days spent in confinement as a result of this charge, plus **50** days of good time credit as provided by law for a total of **100** days credit toward the sentence of imprisonment.

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 and advised the court that he wishes to appeal and has insufficient funds to hire his own lawyer. An Appellate Public Defender is appointed counsel at public expense to represent the defendant in the direct appeal. The clerk is directed to notify the Chief Public Defender of the defendant's request for appeal.

The defendant is remanded to the custody of the Sheriff of Lake County for execution of the judgment of the court. The clerk is directed to notify the Sheriff of Lake County. Cause is disposed. (Anita L. Gladdis reporting.)

SO ORDERED: 
CLARENCE D. MURRAY, JUDGE, ROOM II (Sjm/21)

State of Indiana v DAVID SERRANO
Cause No. 45G02-0603-FC-00033

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

10th day of OCTOBER 2012

Michael A. Brown

Clerk of the 1st District Illinois Courts

By: Kathy Anderson
Deputy Clerk