

3

3

STATE OF INDIANA)
) ss:
COUNTY OF LAKE 2011 024872

STATE OF INDIANA
LAKE COUNTY
SUPERIOR COURT OF LAKE COUNTY
CRIMINAL DIVISION
2011 MAY 4 AM 8:50

STATE OF INDIANA,)
)
) Plaintiff,)
)
) v)
)
) LOUIS DONTE COLE,)
)
) Defendant.)

MICHELLE R. FAJMAN
RECORDER
CAUSE 45G02-0908-MR-00006

RECEIVED
APR 13 2011

ORDER

04-12-11 The State of Indiana appears by Deputy Prosecuting Attorney James Perkins. The defendant, Louis D. Cole, appears in person and with Attorney Kevin R. [unclear] Superior Court. The defendant having entered a plea of guilty, pursuant to a plea agreement, which is accepted on this date, the Court now enters judgment of conviction for the offense of Count II, Voluntary Manslaughter, a Class A Felony.

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 defendant has a history of juvenile adjudications and misdemeanor convictions.
2. The Court finds the nature and circumstances of the crime to be a significant aggravating factor in that the defendant armed himself and drove to the home of his lover where he provoked a confrontation with another lover who was also armed, essentially a love triangle that ended in death.

Mitigating Circumstances:

1. The victim of the crime facilitated the offense because he was also armed.
2. The defendant admitted his guilt by way of plea agreement, thus saving the Court and tax payers of this county the time and expense of trial.

After presentation of evidence and hearing argument, the Court finds that the aggravating factors equally balance the mitigating factors.

SENTENCE:

The Court now sentences the defendant as follows:

N/C
S
E

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 thirty (30) years.

The sentence of imprisonment is suspended after serving twenty-eight (28) 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 10,220 days. Accordingly, the estimated total cost to incarcerate the defendant for this term of imprisonment is \$551,471.20. 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 two (2) years under the terms and conditions of the court's probation agreement. The court imposes probation fees as determined and assessed by the Probation Department. At the discretion of the Probation Department, the defendant may be required to participate in a Problem Solving Court. Additional conditions of probation are as follows:

1. 11:00 pm to 6:00 am curfew daily with exception for employment only (for the two years of probation);
2. Obtain/maintain gainful employment;
3. Enroll in and complete a course in anger management.


The defendant is to receive credit for 604 days spent in confinement as a result of this charge, plus 604 days of good time credit as provided by law for a total of 1,208 days credit toward the sentence of imprisonment.

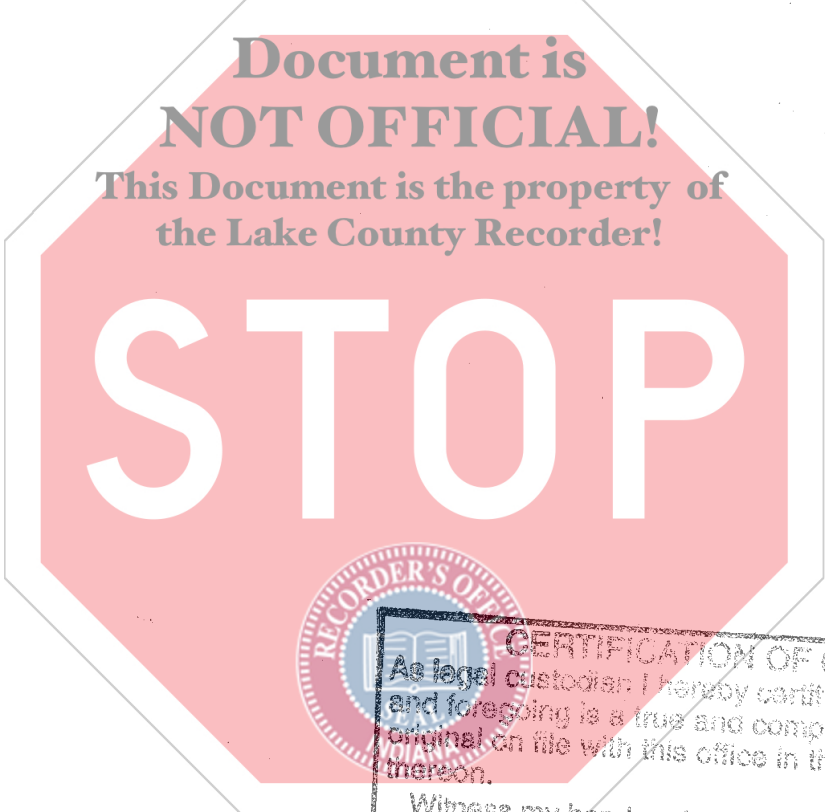
The defendant shall pay a court costs fee which the Court orders reduced to a judgment against the defendant.

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. Pursuant to the terms of the plea agreement, the State of Indiana files a motion to dismiss Count I, which is granted. 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)



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 26th day of April 2011.

Michael A. Blom
Clerk of the Lake Circuit and Superior Courts

By: Kate Anderson
Deputy Clerk