

3 STATE OF INDIANA
COUNTY OF LAKE

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SUPERIOR COURT OF LAKE COUNTY
CRIMINAL DIVISION
CROWN POINT, INDIANA

STATE OF INDIANA,

Plaintiff *[Signature]*
CLERK LAKE SUPERIOR COURT

v

ANDREW CHARLES MYSLIWIEC,

BD: 4-21-1993

Defendant.

) CAUSE 45G02-1110-FB-00098 ✓
) 45G02-1203-FD-00068
) 45G02-1205-FD-00122
) 45G02-1205-FD-00120
) 45G02-1205-CM-00003

ORDER

03-05-13

The State of Indiana appears by Deputy Prosecuting Attorney Sabrina Haney. The defendant, Andrew C. Mysliwicz, appears in person and with Attorney Derla Gross. The parties modify the terms of the plea agreement, and the defendant affirms his intention to proceed with the plea as modified. 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 offenses of Count II, Burglary, a Class C Felony in Cause No. 45G02-1110-FB-00098, Theft, a Class D Felony in Cause No. 45G02-1203-FD-00068 and Count II, Theft, a Class D Felony in Cause No. 45G02-1205-FD-00120.

STATE OF INDIANA
LAKE COUNTY
FILED FOR RECORDER

2013 MAR 15 AM 8:37

MICHAEL BERSON
RECORDER

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.
2. The defendant has recently violated the conditions of probation in juvenile court and pretrial release in this court.
3. The defendant was in a position of trust with the victim of the offense in that he has victimized his friends and his family's friends.

Mitigating Circumstances:

1. The defendant admitted his guilt by way of plea agreement, thus saving the Court and the tax payers of this county the time and expense of a trial.
2. The defendant's drug addiction has been a significant contributing factor in the defendant's criminal conduct.

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

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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 four (4) years for Cause No. 45G02-1110-FB-00098 to be served in the Therapeutic Communities, followed by eighteen (18) months for Cause No. 45G02-1203-FD-00068 and eighteen (18) months for Cause No. 45G02-1205-FD-00120.

The sentences of imprisonment are to be served consecutively to each other for the reason that it is mandatory pursuant to I.C. 35-50-1-2.

The sentences of imprisonment are suspended in Cause Nos. 45G02-1203-FD-00068 and 45G02-1205-FD-00120.

The defendant is placed on probation for eighteen (18) months in each cause 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 of probation are as follows:

1. Pay restitution.

The defendant is ordered to pay restitution to the following victim in the following amount: One thousand three hundred three dollars (\$1,303.00) to Courtney Turner, 3028 41st Street, Highland, Indiana 46322 in Cause No. 45G02-1110-FB-00098; and three thousand seven hundred fifteen dollars and forty-four cents (\$3,715.44) to Barbara Kizman, 9255 Kleinman Road, Highland, Indiana 46322 in Cause No. 45G02-1203-FD-00068. Said restitution shall be paid in regular monthly payments through the Probation Department.

The defendant is to receive credit for **350** days in Cause No. 45G02-1203-FD-00068; **100** days in 45G02-1110-FB-00098 and **6** days in 45G02-1205-FD-00120 spent in confinement as a result of these charges, plus **day for day** of good time credit as provided by law for a total of **700** days credit in 45G02-1203-FD-00068; **200** days credit in 45G02-1110-FB-00098 and **12** days credit in 45G02-1205-FD-00120 toward the sentences of imprisonment.

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

The bond is ordered released and applied to the payment of restitution and divided by the two cases.

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 in Cause No. 45G02-1110-FB-00098; Count I in Cause No. 45G02-1205-FD-00120 and Cause Nos 45G02-1205-FD-00122 and 45G02-1205-CM-00003, which is granted. The clerk is directed to notify the Lake County Sheriff and to prepare an Abstract of Judgment. Cause is disposed. (Anita L. Gladdis reporting.)

SO ORDERED: KATHLEEN A. SULLIVAN, JUDGE *Pro Tempore*, ROOM II (Sjm)

State of Indiana v ANDREW CHARLES MYSLIWIEC
Cause No. 45G02-1110-FB-00098 ✓
Cause No. 45G02-1203-FD-00068
Cause No. 45G02-1205-FD-00120
Cause No. 45G02-1205-FD-00122
Cause No. 45G02-1205-CM-00003



Court Cost - \$166.00

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 herein.
Witness my hand and the seal of the court this 13th day of March 2013.
Clerk of the Lake Circuit and Superior Courts
By: [Signature]
Deputy Clerk