

3

STATE OF INDIANA)
) ss:
COUNTY OF LAKE)

2014-000460

STATE OF INDIANA
LAKE COUNTY
SUPERIOR COURT OF LAKE COUNTY
CRIMINAL DIVISION
FILED FOR RECORD

2014-000460

STATE OF INDIANA,

Plaintiff,

v

MATTHEW SCOTT NOOJIN,

Defendant.

) MICHAEL B. BROWN
) RECORDER

) CAUSE 45G02-1205-MR-00003

RECEIVED
DEC 04 2013

Michael B. Brown
CLERK LAKE SUPERIOR COURT

ORDER

12-03-13 The State of Indiana appears by Deputy Prosecuting Attorney Robert Persini. The defendant, Matthew S. Noojin, appears in person and with Attorney Thomas Vanes. 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.

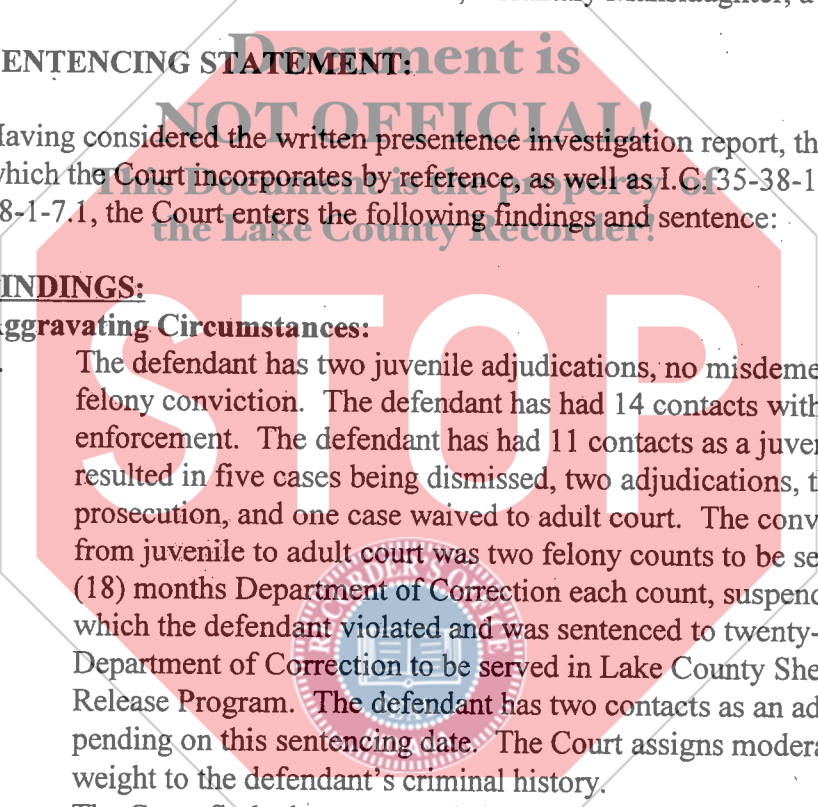
SENTENCING STATEMENT:
Having considered the written presentence investigation report, the contents of which the Court incorporates by reference, as well as I.C. 35-38-1-1.3 and I.C. 35-38-1-7.1, the Court enters the following findings and sentence:

FINDINGS:

Aggravating Circumstances:

1. The defendant has two juvenile adjudications, no misdemeanors and one felony conviction. The defendant has had 14 contacts with law enforcement. The defendant has had 11 contacts as a juvenile which resulted in five cases being dismissed, two adjudications, three with no prosecution, and one case waived to adult court. The conviction waived from juvenile to adult court was two felony counts to be served eighteen (18) months Department of Correction each count, suspended on probation; which the defendant violated and was sentenced to twenty-four (24) months Department of Correction to be served in Lake County Sheriff's Work Release Program. The defendant has two contacts as an adult which are pending on this sentencing date. The Court assigns moderate aggravating weight to the defendant's criminal history.
2. The Court finds the nature and circumstances of the crime to be a significant aggravating factor in that defendant and victim confronted each other in an alley over a dispute over a woman. The defendant shot the victim nine (9) times. The Court notes the sheer number of wounds to be a significant aggravating factor. This indicates "overkill" and extreme rage that transcends sudden heat.
3. IRAS scores high risk to re-offend.

M/C
SE



Mitigating Circumstances:

1. The victim of the crime facilitated the offense by agreeing to meet defendant to settle the dispute.
2. The defendant acted under strong provocation but his actions were extremely disproportionate to any perceived threat.
3. 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.
4. The defendant has expressed sincere remorse for his crime which the Court believes to be genuine.
5. The defendant made a prompt confession to the police on the date of the killing.

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 forty-five (45) years.

The defendant is to receive credit for 576 days spent in confinement as a result of this charge, plus 576 days of good time credit as provided by law for a total of 1,152 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 does not wish to 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 Lake County Sheriff and to prepare an Abstract of Judgment. Cause is disposed. (Erika L. Kelliher reporting)

SO ORDERED:


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

H168.00

Faint, illegible text at the top of the page, possibly a header or introductory paragraph.

Faint, illegible text in the middle section of the page.

**Document is
NOT OFFICIAL!
This Document is the property of
the Lake County Recorder!**

STOP

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
30 day of Dec 2013
[Signature]
Clerk of the Lake Circuit and Superior Courts
By: *[Signature]* Deputy Clerk

49 314

Faint text at the bottom right of the page.