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STATE OF INDIANA)
) ss:
COUNTY OF LAKE)

SUPERIOR COURT OF LAKE COUNTY
CRIMINAL DIVISION
CROWN POINT, INDIANA

RECEIVED

STATE OF INDIANA,)

Plaintiff,)

v)

MITCHELL ALICEA,)

Defendant.)

JAN 11 2016

Veronica Gonzalez
CLERK OF SUPERIOR COURT

CAUSE 45G02-1508-F6-00175
45G02-1103-FB-00024
45G02-1105-FB-00040

2016 004928

ORDER

01-11-16

The State of Indiana appears by Deputy Prosecuting Attorney Veronica Gonzalez. The defendant, Mitchell Alicea, appears in person and by Attorney Adam Cavitt. 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 I, Theft, a Level 6 Felony in Cause No. 45G02-1508-F6-00175. Defendant admits to violating his probation in Cause Nos. 45G02-1103-FB-00024 and 45G02-1105-FB-00040.

SENTENCING STATEMENT:

Having considered the written presentence investigation report, the contents of which the Court incorporates by reference into this order, as well as 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:

1. The defendant has an extensive history of misdemeanor and felony convictions.
2. The defendant has violated his probation in Cause No. 45G02-1103-FB-00024 and 45G02-1105-FB-00040 due to his conviction in the instant cause.

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.



*N/C
SSE*

After presentation of evidence and hearing argument, the Court finds that the aggravating factors outweigh 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 Department of Correction for classification and confinement in a medium security facility for a period of six (6) months in Cause No. 45G02-1508-F6-00175.

The sentence is to be served consecutively to the sentence in Cause No. 45G02-1103-FB-00024 and 45G02-1105-FB-00040 in which the Court now revokes the defendant's probation and orders the concurrent suspended sentence of 2 years executed and served in the Department of Correction. The Court awards 0 actual days credit from the instant PTR case, plus day for day credit for a total of 0 days. The defendant is ordered discharged unsatisfactorily from probation in both causes.

In Cause No. 45G02-1508-F6-00175, the defendant was incarcerated from August 24, 2015 to January 11, 2016 (or 140 days). The defendant is entitled to jail time credit and good time credit as provided by law for the above dates. The Court has not included today's date for the reason that the facility to which the defendant is sentenced is to consider today's date as the first date of the defendant's sentence and therefore will be counted by them.

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 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 II in Cause No. 45G02-1508-F6-00175. The clerk is directed to prepare an electronic Abstract of Judgment and to notify the Sheriff of Lake County. Causes are disposed. (Erika L. Kelliher reporting.)

SO ORDERED: 
CLARENCE D. MURRAY, JUDGE, ROOM II (bbw)

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the Lake County Recorder!**

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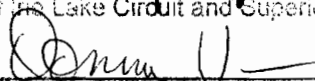
CERTIFICATION OF CLERK

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 case so stated thereon.

Witness my hand and the seal of the court this
18 day of INDIAN, 2018


Clerk of the Lake Circuit and Superior Courts

By


Deputy Clerk