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STATE OF INDIANA)
) ss:
COUNTY OF LAKE)

SUPERIOR COURT OF LAKE COUNTY
CRIMINAL DIVISION
CROWN POINT, INDIANA

STATE OF INDIANA,)
)
Plaintiff,)
v)

CAUSE NO. 45G02-1612-F4-00047

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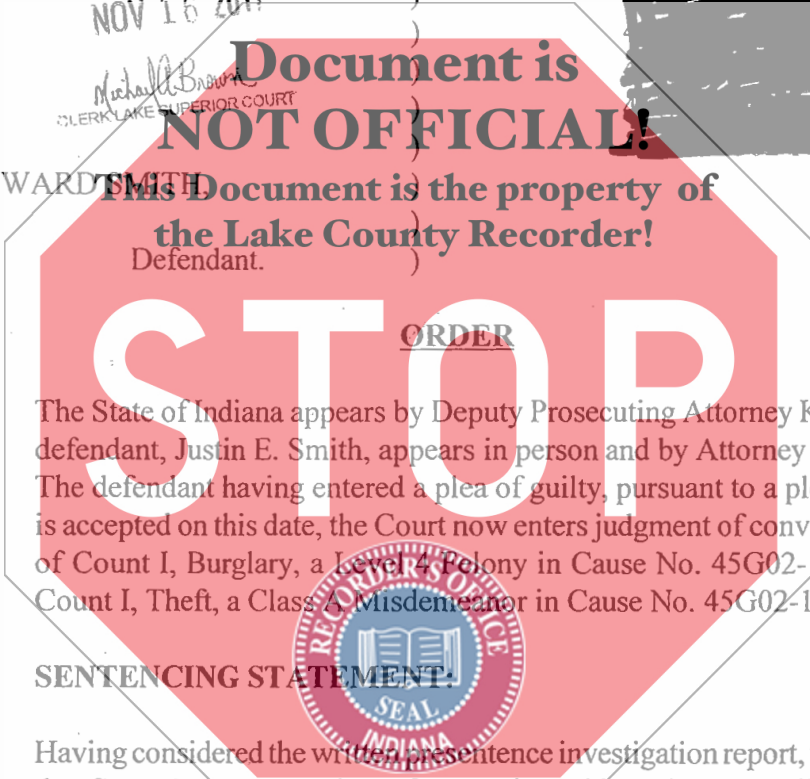
NOV 16 2017

Michael B. Brown
CLERK LAKE SUPERIOR COURT



JUSTIN EDWARD SMITH

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Defendant.



STATE OF INDIANA
LAKE COUNTY
FILED FOR RECORD

2017 DEC 11 PM 4:06

MICHAEL B. BROWN
RECORDER

The State of Indiana appears by Deputy Prosecuting Attorney Keith Anderson. The defendant, Justin E. Smith, appears in person and by Attorney Lonnie Randolph II. 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, Burglary, a Level 4 Felony in Cause No. 45G02-1612-F4-00047; and Count I, Theft, a Class A Misdemeanor in Cause No. 45G02-1702-CM-00008.

SENTENCING STATEMENT:

Having considered the written presentence investigation report, the contents of which the Court incorporates by reference into this order, as well as the Criteria for Sentencing as set forth in I.C. 35-38-1-7.1, the Court now enters the following findings and sentence:

FINDINGS:

Aggravating Circumstances:

1. The defendant has a history of misdemeanor convictions and felony convictions. The defendant has had the benefit of probation four (4) times and violated each time. He has a pending petition to revoke probation in this court and an outstanding warrant in LaPorte County.

Mitigating Circumstances:

1. The defendant admitted his guilt by way of plea agreement, thus saving the tax payers of this county the time and expense of a trial.

ME SSK

After presentation of evidence and hearing argument, the Court finds that the aggravating factors outweigh the mitigating factors and the agreed term as stipulated 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:

In Cause No. 45G02-1612-F4-00047, the defendant is ordered committed to the custody of the Department of Correction for a period of six (6) years, with three (3) years suspended and served on probation. The defendant may serve his Department of Correction sentence for not less than the earliest release date and not more than the maximum sentence. The Department of Correction is directed to place the defendant into the Purposeful Incarceration Therapeutic Community Program, if he qualifies. The Court will consider a motion for modification of sentence upon successful completion of the Therapeutic Community Program.

In Cause No. 45G02-1702-CM-00008, the defendant is sentenced to one (1) year in the Lake County Jail.

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

The sentence is to be served consecutive to the sentence in Cause No. 45G02-1502-F6-00036 in which the Court now revokes the defendant's probation and orders the suspended sentence of twelve (12) months executed and served in the Lake County Jail. The Court awards 182 actual days credit from the instant PTR case, plus day for day credit for a total of 365 days. The defendant has served the executed sentence. Defendant is ordered discharged unsatisfactorily from probation. Additionally, the defendant has a 177 actual day carryover toward the sentence in Cause Nos. 45G02-1612-F4-00047 and 45G02-1702-CM-00008.

The defendant is placed on probation for three (3) 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. Additional conditions of probation are as follows:

1. 11:00 p.m. to 6:00 a.m. curfew daily with exception for employment only (for the first year of probation only);
2. obtain/maintain gainful employment; and
3. attempt to complete GED.

The defendant is ordered to pay restitution to the following victim in the following amount: Three thousand dollars (\$3,000.00) to Catherine Kasarda, which shall be entered as a judgment against the defendant and in favor of the victim in the judgment docket of the Clerk of the Court.

In Cause No. 45G02-1612-F4-00047, the defendant was incarcerated from May 21, 2017 to November 13, 2017 (or 177 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 has to pay a court costs fee to be paid during probation.

The defendant has been advised of his post conviction relief rights and appeal rights.

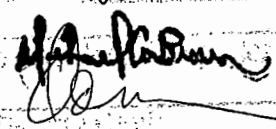
The defendant is remanded to the custody of the Sheriff of Lake County for execution of the judgment of the court.



Pursuant to the terms of the plea agreement, the State of Indiana files a Motion to Dismiss Counts II, III, IV and V only in Cause No. 45G02-1612-F4-00047; and Cause Nos. 45G02-1608-F6-00175, 45G02-1612-F6-00253, 45G02-1612-F6-00267, 45G02-1612-F6-00268, 45G02-1612-CM-0009, 45G02-1701-F6-00012, and 45G02-1701-F6-00013, which is granted. The clerk is directed to notify the Sheriff of Lake County and to prepare an electronic abstract of judgment. Causes are disposed. (Erika L. Kelliher reporting.)

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

\$3,000.00

CERTIFICATION OF CLERK
To legal custodian I have verified that the above and foregoing is a true and correct copy of the original on file with this cause in the state's official storage.
Witness my hand and the seal of the court this 30th day of NOVEMBER 2017
Clerk of the Court 
By 