

STATE OF INDIANA )  
 ) ss:  
COUNTY OF LAKE )  
STATE OF INDIANA,

SUPERIOR COURT OF LAKE COUNTY  
CRIMINAL DIVISION  
CROWN POINT, INDIANA

RECEIVED

NOV 16 2017

Plaintiff, *Michael B. Brown*  
CLERK LAKE SUPERIOR COURT

CAUSE ~~45G02-1508-F3-00036~~  
45G02-1509-F1-00006 ✓  
~~45G02-1509-F3-00039~~  
~~45G02-1509-F3-00042~~

DEANDRE MARQUESE GARDNER, )  
 )  
Defendant. )

11-14-17

STATE OF INDIANA  
LAKE COUNTY  
FILED FOR RECORD

2017 DEC 11 PM 2:06

MICHAEL B. BROWN  
RECORDER

2017 083738

The State of Indiana appears by Deputy Prosecuting Attorney Nadia Wardrip. The defendant, Deandre M. Gardner, appears in person and by Attorney Kerry Connor. 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 I, Armed Robbery, a Level 3 Felony in Cause No. 45G02-1508-F3-00036; and Count III, Attempted Armed Robbery, a Level 3 Felony in Cause No. 45G02-1509-F1-00006.

**SENTENCING STATEMENT:**

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

**FINDINGS:**

**Aggravating Circumstances:**

1. The has defendant has a history of six (6) juvenile adjudications; two (2) of which involve possession of a firearm.
2. The Court finds that the nature and circumstances of the crime to be a significant aggravating factor in that the defendant committed multiple criminal offenses involving robbery and attempted robbery of separate victims. Also, the defendant resorted to guile and subterfuge to effectuate these crimes. Defendant therefore had time to plan, prepare and reflect before committing the crimes.

**Mitigating Circumstances:**

1. The defendant is likely to respond affirmatively to some component of probation.
2. 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.
3. The defendant was a teenager at the time of the commission of the offense.
4. The defendant has completed the 12-Step Conquering Chemical Dependency while incarcerated.

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

*NIC*  
*SS/E*

**SENTENCE:**

The Court now sentences the defendant as follows:

The defendant is now ordered committed to the custody of the Department of Correction in a medium security facility for a period of six (6) years on Count I in Cause No. 45G02-1508-F3-00036; and five (5) years on Count III in Cause No. 45G02-1509-F1-00006, for a total of eleven (11) years. 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 sentences of imprisonment are to be served consecutively to each other for the reason that the offenses are crimes of violence pursuant to I.C. 35-50-1-2 and are separate episodes of criminal conduct committed on different dates and involving different victims.

The sentence of imprisonment is suspended after serving eight (8) years.

The defendant is placed on probation for three (3) under the terms and conditions of the court's probation agreement. The Court imposes probation fees as determined and assessed by the Probation Department. Upon approval of the Problem Solving Court Coordinator, the defendant shall participate in a problem solving court as a condition of probation. Additional conditions of probation are as follows:

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

In Cause No. 45G02-1508-F3-00036, the defendant was incarcerated from August 28, 2015 to November 14, 2017 (or 810 days). In Cause No. 45G02-1509-F1-00006, the defendant was incarcerated from September 9, 2015 to November 14, 2017 (or 798 days). Total credit days to be awarded is 810 days. The defendant is entitled to jail time credit and good time credit as provided by law for the above dates.

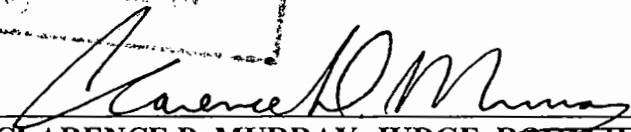
The defendant shall pay a court costs fee which the Court orders reduced to a judgment against the defendant.

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 Counts II, III, IV, V, and VI in Cause No. 45G02-1508-F3-00036; Counts I, II, IV, V, and VI in Cause No. 45G02-1509-F1-00006; and Cause Nos. 45G02-1509-F3-00039 and 45G02-1510-F3-00052, which is granted. 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)



**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<sup>th</sup> day of November 2017.  
Clerk of the Lake County and Superior Courts  
By: [Signature]  
Deputy Clerk

§ 185-0