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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)
)
DONTA P. McCALEB,)
)
) Defendant.)

CAUSE 45G02-1701-F5-000004

NUNC PRO TUNC ORDER

04-30-19 Comes now the Court, upon being duly advised, now amends its sentencing order *Nunc Pro Tunc* to add an additional restitution amount to be paid by the defendant that was inadvertently omitted from its sentencing order dated April 23, 2019. The corrected order is as follows:

04-23-19 The State of Indiana appears by Deputy Prosecuting Attorney Natalie McCandies. The defendant, Donta P. McCaleb, 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, Burglary, a Level 5 Felony; and Count II, Burglary, a Level 5 Felony.

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. 35-38-4-7.1, the Court now enters the following findings and sentence:

FINDINGS:

After presentation of evidence and hearing argument, the Court finds that 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:

The defendant is now ordered committed to the custody of the Department of Correction for a period of two and one-half (2½) years on Count I; and two and one-half (2½) years on Count II. 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 contents of which
the Criteria for
the following

N/C
SS/E

STATE OF INDIANA
LAKE COUNTY
FILED FOR RECORD
MICHAEL B BROWN
RECORDER

2019-075021

2019 Oct 31 9:08 AM

The sentences of imprisonment are suspended.

The sentences are to run consecutively to each other and consecutive to the forty-eight (48) month sentence under 17CR494 in the United States District Court, Northern District of Illinois, Eastern Division.

The defendant is placed on probation for five (5) 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:

- I. Obtain/maintain gainful employment.

The defendant is ordered to pay restitution to the following victim in the following amount: Eleven thousand four hundred dollars and forty cents, to The Hen (c/o Lu Wang) in payments of fifty dollars (\$50.00) per month to the Clerk of the Court during the probationary period. Any remaining balance owed by the defendant at the end of his probationary term shall be entered as a judgment against the defendant and in favor of the victim in the judgment docket of the Clerk of this Court. The defendant is further ordered to pay restitution in the amount of seven thousand three hundred fifty dollars (\$7,350.00) to Clark Gas (c/o Jasvir Singh) in payments of fifty dollars (\$50.00) per month to the Clerk of the Court during the term of his probation with any remaining balance owed at the end of probation to be entered as a judgment against the defendant and in favor of the victim in the judgment docket of the Clerk of this Court.

The defendant was incarcerated from January 12, 2017 to April 6, 2017 (or 85 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 to be deducted from bond proceeds.

The bond is ordered released to person posting same upon payment of court costs, administrative and initial probation fees of \$150.00, with the balance of the bond to be applied toward restitution.

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

The defendant is remanded to the supervision of the Probation Department for execution of the judgment of the court.

Pursuant to the terms of the plea agreement, the State of Indiana moves to dismiss Count III, which is granted. The clerk is directed to prepare an electronic abstract of judgment. Cause is disposed. (Erika L. Kelliher reporting.)

SO ORDERED: Clarence D. Murray
 CLARENCE D. MURRAY, JUDGE, ROOM II

\$7045.00

