

STATE OF INDIANA	)	IN THE DUBOIS CIRCUIT COURT
	)	SS:
COUNTY OF DUBOIS	)	CAUSE NO: 19C01-2009-F6-000862
STATE OF INDIANA	)	
	)	
VS	)	
	)	
JOHN R. CARTER	)	

STATE'S MOTION TO CORRECT ERRONEOUS SENTENCE

Comes now the State of Indiana by Brian D. Lucchi, Deputy Prosecuting Attorney for the 57th Indiana Judicial Circuit, and moves this Court to correct an erroneous sentence under Indiana Code Section 35-38-1-15.

1. On June 22, 2021, the defendant pled guilty to Count 1, Resisting Law Enforcement, a Level 6 felony, and admitted that he was a habitual offender. The Court took that guilty plea under advisement.

2. On October 19, 2021, the Court accepted the defendant's guilty plea and admission and entered judgment of conviction.

3. The Court sentenced the defendant to a period of two years in the Indiana Department of Correction for the Level 6 felony conviction, enhanced by two years for the defendant's status as a habitual offender, for an aggregate four-year executed sentence.

4. The Court ordered that the defendant serve the entire executed sentence in Dubois County Community Corrections on Home Detention with GPS Monitoring.

5. As set forth in the corresponding Memorandum in Support of the State's Motion to Correct Erroneous Sentence, the portion of the sentence ordering

the defendant to serve the two-year habitual offender enhancement on direct commitment to community corrections is not authorized by statute.

WHEREFORE, the State respectfully moves this Court to vacate its October 19, 2021 sentence and impose an executed sentence for the two-year habitual offender enhancement in the Dubois Security Center or the Indiana Department of Correction.

Respectfully submitted,
/s/ Brian D. Lucchi

Brian D. Lucchi
Deputy Prosecuting Attorney
602 Main Street, 2nd Floor
Jasper, Indiana 47546

CERTIFICATE OF SERVICE

I hereby certify that a copy of the foregoing was served upon the defendant by his attorney, Clay Cummins, by e-filing on or about the date of filing of the same.

/s/ Brian D. Lucchi
Brian D. Lucchi