

STATE OF INDIANA	)	IN THE DUBOIS CIRCUIT COURT
	) SS:	
COUNTY OF DUBOIS	)	CAUSE NO: 19C01-1907-F3-000643
STATE OF INDIANA	)	
	)	
VS	)	
	)	
COLLIN R. THOMAS	)	

MOTION TO CORRECT ERROR

Comes now the State of Indiana by Brian D. Lucchi, Deputy Prosecuting Attorney for the 57th Indiana Judicial Circuit, and advises as follows:

1. A convicted person who is a violent criminal may, not later than three hundred sixty-five days from the date of sentencing, file one petition for sentence modification under I.C. 35-38-1-17 without the consent of the prosecuting attorney. After the elapse of the three hundred sixty-five day period, a violent criminal may not file a petition for sentence modification without the consent of the prosecuting attorney. I.C. 35-38-1-17(k).
2. Under I.C. 35-38-1-17(d), the defendant is a “violent criminal” based upon his conviction for Armed Robbery, a Level 3 Felony.
3. On June 17, 2020, the Court sentenced the defendant to nine (9) years at the Indiana Department of Correction on Count 1, Armed Robbery, and one (1) year at the Indiana Department of Correction on Count 3, Pointing a Firearm, with Count 1 and Count 3 running concurrent to each other.
4. On November 2, 2021, the defendant filed his pro se Verified Petition for Direct Placement in the Community Corrections Program.
5. On November 19, 2021, the defendant filed his pro se Motion to Modify Sentence.
6. On November 29, 2021, the Court denied the defendant’s pro se Motion for Modification.
7. On December 12, 2022, the defendant, by counsel, filed his Verified Petition for Modification of Sentence and Request for Hearing.
8. On December 14, 2022, the State filed its Objection to Defendant’s Motion for Modification of Sentence.
9. On March 8, 2023, the defendant, by counsel, filed his Petition to Modify Placement from IDOC to Community Corrections.
10. On April 18, 2023, the Court granted the defendant’s motion and modified the defendant’s sentence, allowing the defendant to serve the remainder of his sentence in

the Dubois County Work Release Program. The State objected to said modification. The Court's modification order appears to have been inadvertently dated March 18, 2023; however, the order was issued on April 18, 2023.

11. The modification request that the Court granted was filed later than three hundred sixty-five days from the date of sentencing in the above-captioned cause. Further, the modification request that the Court granted was not the defendant's first modification request in the above-captioned cause. Because the State has not consented to a modification, the Court's granting of the defendant's request for modification is outside of what is allowed under I.C. 35-38-1-17(k).

WHEREFORE, the State respectfully requests that the Court reinstate the defendant's original sentence in the above-captioned cause, order the defendant to resume serving his sentence at the Indiana Department of Correction, and for all appropriate relief.

Respectfully submitted,
/s/Brian D. Lucchi

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CERTIFICATE OF SERVICE

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

/s/ Brian D. Lucchi
Brian D. Lucchi