

STATE OF INDIANA)

IN THE DUBOIS CIRCUIT COURT

) SS:

COUNTY OF DUBOIS)

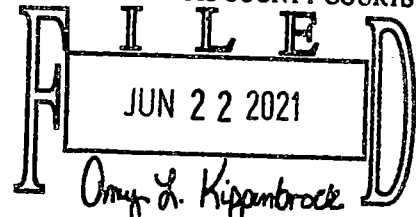
CAUSE NO: 19C01-2009-F6-000862

STATE OF INDIANA)

) VS.)

) JOHN R. CARTER)

CLERK OF DUBOIS COUNTY COURTS



PLEA AGREEMENT

Come now the defendant, John R. Carter, in person and with counsel, Clay J. Cummins, and the State of Indiana, by Brian D. Lucchi, Deputy Prosecuting Attorney for the 57th Judicial Circuit, and submit the following Plea Agreement:

- (1) The defendant has read the attached Exhibit A; through the advice and assistance of counsel, the defendant understands Exhibit A, including all aspects which are specific to the defendant's case, and the defendant knowingly and voluntarily waives any constitutional rights by entering into this Plea Agreement. With respect to any future request for a modification of this Agreement, the defendant understands that the Court may not, without the consent of the prosecuting attorney, reduce or suspend the sentence and impose a sentence not authorized by this Agreement.
- (2) The defendant shall plead guilty to Count 1, Resisting Law Enforcement, a Level 6 felony.
- (3) The defendant shall admit that he is a Habitual Offender, as set forth in Count 4.
- (4) The defendant shall be convicted and sentenced as follows:

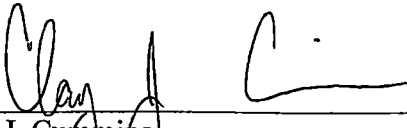
At the sentencing, the defendant, the defendant's attorney, and the State may present evidence and make argument, but under all circumstances, the Court shall have the final and full authority to impose the sentence it deems proper. However, the total sentence in this cause shall not exceed five (5) years. The defendant shall receive credit for time served from September 25, 2020 to September 28, 2020.

- (5) The State shall dismiss Counts 2 and 3.
- (6) The defendant shall pay court costs, fines, and fees assessed in this Cause.



John R. Carter
Defendant

6/22/21
Date



Clay J. Cummins
Attorney for Defendant

6/22/21
Date



Brian D. Lucchi
Deputy Prosecuting Attorney

6-22-21
Date

EXHIBIT A: ACKNOWLEDGEMENT AND WAIVER OF RIGHTS

By signing below, I acknowledge the following:

1. I understand the nature of the charge(s) against me;
2. I have been informed that by my plea I waive my rights to:
 - A) a public and speedy trial by jury;
 - B) confront and cross-examine the witnesses against me;
 - C) have compulsory process for obtaining witnesses in my favor;
 - D) require the state to prove my guilt beyond a reasonable doubt at a trial at which I may not be compelled to testify against myself; and,
 - E) except under limited circumstances, the right to appeal the conviction to a higher court.

3. **SENTENCING CHART – OFFENSES COMMITTED BEFORE JULY 1, 2014**

Class	Range	Advisory	Fines (up to)
Murder	45-65 years	55 years	\$10,000
A Felony	20-50 years	30 years	\$10,000
B Felony	6-20 years	10 years	\$10,000
C Felony	2-8 years	4 years	\$10,000
D Felony	½-3 years	1 ½ years	\$10,000
A Misdemeanor	0-1 year	Up to 1 year	\$5,000
B Misdemeanor	0-180 days	Up to 180 days	\$1,000
C Misdemeanor	0-60 days	Up to 60 days	\$500

SENTENCING CHART – OFFENSES COMMITTED ON OR AFTER JULY 1, 2014

Class	Range	Advisory	Fines (up to)
Murder	45-65 years	55 years	\$10,000
Level 1	20-40 years	30 years	\$10,000
Level 2	10-30 years	17.5 years	\$10,000
Level 3	3-16 years	9 years	\$10,000
Level 4	2-12 years	6 years	\$10,000
Level 5	1-6 years	3 years	\$10,000
Level 6	.5-2.5 years	1 year	\$10,000
A Misdemeanor	0-1 year	Up to 1 year	\$5,000
B Misdemeanor	0-180 days	Up to 180 days	\$1,000
C Misdemeanor	0-60 days	Up to 60 days	\$500

4. I understand that if the charge I am pleading guilty to involved the operation of a motor vehicle under certain circumstances it could affect my driving status, lead to the suspension of my driving privileges by the bureau of motor vehicles, and/or make me a habitual traffic violator under I.C. 9-30-10-4.
5. I understand that if I am pleading guilty to a crime of domestic violence, I may not possess a firearm until that right has been restored under IC 35-47-4-7.
6. I have been informed that if I am pleading guilty to more than one count, the Court may impose the penalties concurrently, i.e., together, or consecutively, i.e., one after the other.
7. I have been informed that if I was on probation or parole, or was incarcerated, or released on bond on my own recognizance, for another offense at the time I committed this offense and/or offenses, my plea of guilty may have an adverse effect upon my probation, parole, or incarceration status, and any sentence that I may receive for this offense and/or offenses must be consecutive to any sentence that I may have or will receive on the other offenses.
8. I have been informed that if I violate a condition of probation during the probationary period, a petition to revoke probation may be filed before the earlier of: (a) One (1) year after the termination of probation; or, (b) Forty-five (45) days after the state receives notice of the violation.

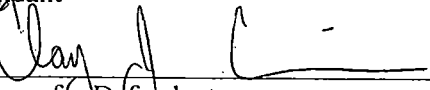
9. I have been informed that if I have a prior history of juvenile or criminal offenses, that fact alone may cause me to receive a harsher penalty than I would otherwise receive.
10. I have been informed that by pleading guilty in this cause that it may affect my immigration status and may result in deportation.
11. I understand that by pleading guilty in accordance with this plea agreement, I waive any claim of a right to have a jury determine any sentencing factors that may be used to increase my sentence on any count, sentencing enhancement, or allegation, to the upper or maximum term provided by law, and consent to the judge determining the existence of any sentencing factors within the law and in accordance with this plea agreement. I also agree this waiver shall apply to any future sentence imposed following a revocation of probation.
12. I understand that by pleading guilty in accordance with this plea agreement, I knowingly and voluntarily agree to waive my right to appeal my sentence on the basis that it is erroneous or for any other reason, so long as the Court sentences me in accordance with the terms of this plea agreement.
13. I have been informed that if there is a plea agreement, and the Court accepts the plea, the Court is bound by the terms of the plea agreement, must follow the plea agreement and cannot alter the terms.
14. I hereby state that my plea of guilty in this cause, pursuant to the attached plea agreement, was voluntarily and knowingly made; was not induced by promises, force or threat; and is an admission that the facts as stated in the information to which I am pleading guilty are true and correct. I further acknowledge that I do not suffer from any mental disease or defect and that I am not under the influence of alcohol or any drugs.
15. I hereby certify that I have read the above rights and I knowingly, intelligently, and voluntarily waive my right to appeal any sentence imposed by the Court, under any standard of review, including but not limited to, an abuse of discretion standard and the appropriateness of the sentence under Indiana Appellate Rule 7(B), so long as the Court sentences me within the terms of the plea agreement.
16. I hereby certify that I have read the above rights and/or have had said rights explained to me by my attorney, understand how these rights apply to my particular case and hereby knowingly, intelligently, and voluntarily waive said constitutional rights by entering into the attached plea agreement.

You are advised that entry of a plea of guilty and conviction against you in this case could also cause the following collateral consequences:

1. Revocation of probation, parole, or a community corrections sentence.
2. Loss of the right to possess a firearm.
3. Deportation if you are not a citizen of the U.S.
4. Loss or restriction of your driver's license, a determination that you are a habitual traffic violator, or the requirement that you provide proof of insurance or high-risk insurance. Your insurance premiums could also increase.
5. Loss of your job, the ability to engage in certain professions, or hold certain licenses.
6. Denial of entry into the military, certain schools or programs.
7. Loss of your right to hold public office, vote or serve as a juror.
8. Loss of your ability to qualify for certain government benefits, student loans, or government contracts.
9. Loss of custody or parental rights, the ability to adopt children or be a foster parent.
10. Restriction on travel outside the United States.
11. Civil forfeiture of assets, or the increased likelihood of civil liability being imposed.
12. The requirement that you be registered on certain offender registries.


Defendant

6/22/21
Date


Attorney for Defendant

6/22/21
Date