

STATE OF INDIANA
COUNTY OF DUBOIS

) IN THE DUBOIS CIRCUIT COURT
)
) CASE NO: 19C01-2009-F6-000862

STATE OF INDIANA

V.

JOHN R. CARTER

JUDGMENT OF CONVICTION AND SENTENCING ORDER

Identification of the Defendant:

Name:	Address:	SSN:	OLN/License State:
John R. Carter			
Height:	Weight:	Sex:	Race:
5 Ft. 6 In.	120 Lbs.	Male	Unavailable
Hair Color:	Eye Color:	DOB:	Distinguishing Marks:
Brown	Green		
DOC Number:	FBI Number:	State Police ID:	TCN:

The State of Indiana appears by Prosecuting Attorney Brian Dean Lucchi. The Defendant appears by counsel, Clay Joseph Cummins.

On September 28, 2020, the Defendant was charged with the following crimes:

Offense Date	Count	Charge	Statute	Class & Degree
09/24/2020	1	35-44.1-3-1(a)(3)/F6: Resisting Law Enforcement-Same as 3929, but def. uses a vehicle.	35-44.1-3-1(a)(3)	Felony 6
09/24/2020	2	35-44.1-3-1(a)(1)/MA: Resisting Law Enforcement def. knowingly or intentionally forcibly resists, o	35-44.1-3-1(a)(1)	Misdemeanor Class A
09/24/2020	3	9-21-8-52(a)(1)/MC: Reckless Driving Drive at unreasonable high or low speed so to endanger safety	9-21-8-52(a)(1)	Misdemeanor Class C

The Defendant, being duly advised of his rights, enters a Plea of Guilty and admits that he is a habitual offender.

The Court ACCEPTS the Plea Agreement and enters Judgment of Conviction. The sentencing hearing was held on June 21, 2022.

The Court, having considered the written Pre-Sentence Investigation and having heard and considered evidence, now finds:

Count	Charge	Statute	Class & Degree	Judgment
1	35-44.1-3-1(a)(3)/F6: Resisting Law Enforcement-Same as 3929, but def. uses a vehicle.	35-44.1-3-1(a)(3)	Felony 6	Plea by Agreement
2	35-44.1-3-1(a)(1)/MA: Resisting Law Enforcement def. knowingly or intentionally forcibly resists, o	35-44.1-3-1(a)(1)	Misdemeanor Class A	Dismissed
3	9-21-8-52(a)(1)/MC: Reckless Driving Drive at unreasonable high or low speed so to endanger safety	9-21-8-52(a)(1)	Misdemeanor Class C	Dismissed

IT IS THEREFORE ORDERED that the Defendant is sentenced to the following:

Count	Sentence Years / Days	Suspended	Confinement Location	Concurrent	Consecutive	With (Count Or Case Numbers)	
						Concurrent	Consecutive
1	3 Years	1 Year	Indiana Department of Correction				

Defendant is sentenced to one (1) year Indiana Department of Correction, with an enhancement of two (2) years for being a habitual offender for a total of three (3) years. One (1) year is suspended to supervised probation.

The following conditions shall apply:

Condition	Location	Amount	Effective	Comment/ Description
Probation			06/21/2022	The defendant is placed on supervised probation for one (1) year.

The Defendant was confined on this case 263 Days prior to sentencing. This represents the *actual* number of days confined, not good time credit. Defendant is given 263 days good time credit.

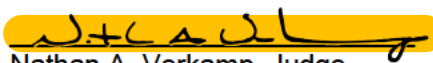
If the Defendant is being sentenced to the Dubois County Security Center as a Level 6 offender, the following statutory criteria does not apply:

- ☐ IC 35-38-3-3(d)(2) [convicted of a Level 6 felony that was committed in a penal facility]
- ☐ IC 35-38-3-3(d)(3)(A) [convicted of a Level 6 felony and sentence ordered to be served consecutively to a sentence for another felony; release date is greater than 365 days]
- ☒ IC 35-38-3-3(d)(3)(B) [convicted of a Level 6 felony that is enhanced by an additional fixed term under IC 35-50-2-8 through -16; release date is greater than 365 days]
- ☐ IC 35-38-3-3(d)(3)(C) [sentence enhanced under IC 9-30-15.5-2; release date is greater than 365 days]
- ☐ IC 35-38-3-3(d)(3)(D) [violent offender as defined in IC 35-31.5-2-352(1); release date is greater than 365 days]
- ☐ IC 35-38-3-3(d)(3)(E) [two (2) prior unrelated felony convictions; release date is greater than 365 days]

The Defendant is not ordered to pay restitution.

The Defendant is advised of his right to appeal his conviction herein. If the Defendant chooses to appeal, he must file a Notice of Appeal with the trial court clerk within thirty (30) days after the entry of a final judgment.

SO ORDERED on this the 21st day of June, 2022.


Nathan A. Verkamp, Judge
Dubois Circuit Court