

STATE OF INDIANA	)	DUBOIS COUNTY CIRCUIT COURT
	)SS:	
COUNTY OF DUBOIS	)	CAUSE NO. 19C01-2302-F5-000215

STATE OF INDIANA	)
	)
	)
	)
vs.	)
	)
	)
	)
LEO FLORES	)
	)

ACCEPTANCE OF PLEA AND SENTENCING

BEFORE THE HONORABLE NATHAN A. VERKAMP
SPECIAL JUDGE OF THE DUBOIS COUNTY CIRCUIT COURT

DATE: MARCH 25, 2024

Court Reporter: Heather N. Schnaus

Proceedings recorded by electronic sound recording:
Transcript produced by Heather N. Schnaus

APPEARANCES

ON BEHALF OF THE PLAINTIFF, STATE OF INDIANA

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DIRECT - RUSTY DREW

MARCH 25, 2024

(Proceedings called to order at 8:43 a.m.)

THE COURT: It's 2403-F5-366 -- I'm sorry. -- It's 2302-F5-215. Mr. Flores is present in person with counsel. Set for acceptance of plea and sentencing today. There's been a presentence report prepared. I guess first, any additions or corrections?

MS. HOUCHIN: No, Your Honor.

MR. BLAZEY: No, Your Honor.

THE COURT: State, any witnesses?

MS. HOUCHIN: Yes, Your Honor. We would call -- Detective Rusty Drew.

THE COURT: All right. You can just testify from there.

RUSTY DREW, STATE'S WITNESS, SWORN

THE WITNESS: I do.

DIRECT EXAMINATION

BY MS. HOUCHIN:

Q. Can you please state your name for the record?

A. Rusty Drew.

Q. And are you currently employed as detective with the Huntingburg Police Department?

A. Yes.

Q. And how long have you been with the Huntingburg Police Department?

A. -- A little over thirteen years.

Q. And how long have you been a detective?

A. -- Approximately five years.

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1 Q. In your work as a detective, are you familiar with -- the individual, Leo
2 Flores?

3 A. Yes, I am.

4 Q. How are you familiar with him?

5 A. I worked a case -- where he was a suspect in a child pornography case.

6 Q. As a result of that investigation -- was child pornography actually
7 discovered?

8 A. Yes, there was.

9 Q. And where was it found?

10 A. On his cell phone.

11 Q. You had conversations with -- Mr. Flores about what was found on his
12 found, correct?

13 A. Yes.

14 Q. -- What was the nature of those conversations with Mr. Flores?

15 A. -- During the interview I had with Mr. Flores at the Huntingburg Police
16 Station -- the first part of the interview, probably forty-five minutes, he denied
17 anything on his phone as far as child -- as far as child pornography. Through
18 the course of that conversation with me, he did end up admitting, confessing to
19 having child pornography on his phone. -- He also talked about how the videos
20 became on his phone, how they got on his phone. He admitted that every video
21 or every file that was on his phone -- in the mega app, which is where the child
22 pornography was stored -- that he clicked on and opened and watched every
23 single video -- which there was two hundred sixty-seven videos -- let's see --
24 yeah, two hundred and sixty-seven videos, a hundred and twenty-five of them
25 contained -- CSAM which is child sexual assault material. Two of the videos

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1 were CSAM bondage, and by bondage I mean children being raped. -- He did
2 admit to opening and watching every one of those videos. The -- through the
3 course of the conversation with him also, he had those videos on his phone for
4 a few months short of two years. He had every opportunity to go back and
5 delete those. He admitted that he'd get messed up on drugs and go back and
6 watch videos, so it wasn't like it was something where he -- he stumbled upon
7 his phone and he opened it and just forgot to delete them, which I don't even
8 know how you'd forget to delete them at that point, but to have them on your
9 phone for two years, almost two years and continuously watch them. -- I can
10 go into more I guess if you'd like.

11 Q. Mm-hmm.

12 A. So -- during the conversation with him too, I also got consent to search
13 his phone during the interview. So, I was able to go through his phone at that
14 time and see the videos. -- Myself and another detective, Detective Derrick
15 Beier, I had him in the room with me when I opened the -- opened up his
16 phone to go through it. Not even probably halfway through watching some of
17 those videos or getting through that list, the two hundred and sixty-seven,
18 Detective Beier had to step out of the room.

19 MR. BLAZEY: I'm gonna object to any testimony regarding -- strike
20 that, Judge. I'll strike that objection.

21 BY MS. HOUCHIN:

22 A. Later on, after the interview had concluded, I talked to Derrick Beier and
23 asked -- I kind of figured why he had to step out, but I just had a conversation
24 with him to make sure he was all right. He advised just given the nature of --

25 MR. BLAZEY: I'm gonna object to any testimony regarding what

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1 Mr. Beier said unless he's gonna testify today being hearsay.

2 THE COURT: State?

3 MS. HOUCHIN: -- Your Honor, I believe with sentencing the --
4 rules regarding hearsay and the like are -- much more relaxed than they were
5 in other evidentiary hearings.

6 THE COURT: Overruled.

7 BY MS. HOUCHIN:

8 A. Okay. -- Through that conversation, Derrick told me that he just -- for
9 his own mental health he needed to step out. Just the nature of the videos, he
10 couldn't stomach it anymore. And I can speak on how those videos also
11 affected me. Having small children of my own, a four and six year old,
12 watching stuff like that obviously is not -- and I get it, it's something we have
13 signed up for as law enforcement. That's part of the job, but there is an effect
14 that takes on you in watching stuff like that. I think the biggest thing for me
15 was just anger because I couldn't help those kids or tell what country they're
16 in, where they're at, how many millions of miles -- thousands of miles away
17 they are. That's really the part that still sits with me today is that just having
18 no idea, those kids are probably still in the same situation they were in in
19 those videos and a big part of that is because of people like Mr. Flores that
20 choose to sought out those videos and have them on their phone and
21 continuously watch them. If there wasn't a market for it, just like anything
22 else, there wouldn't be that product. -- But yes, going through his phone, so I
23 did watch them there in the interview room, got through a majority of them,
24 was able to see what was on there. On every video I watched during that
25 consent in the interview -- during the interview -- it was my opinion that no

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1 child was probably over the age of fourteen at that time in those videos. -- The
2 one thing that really stood out with me during the interview with Leo was that
3 the only thing he was scared of was going to prison because he knew what --
4 he told me in his own words he knew what happened to people like him in
5 prison. It wasn't he's scared to be on probation because of what might happen
6 to him. It wasn't he's scared that -- he might have an ankle -- have to wear an
7 ankle monitor or something. It was nothing, no effect to any of that. It was all
8 related back to he couldn't go to prison because he knows what happens to
9 people like him in there. During the interview also he had asked, you know,
10 am I going to tell his wife what I saw on the phone. -- And I told him I was
11 gonna leave that up to him. If she asked, I'll keep it vague. And it kind of told
12 me where his mentality was with that. I was figuring that he was going to try
13 to spin it however he wanted to try to get out of it with her or make her -- make
14 it seem like this didn't really happen and shortly after I believe he had bonded
15 out -- his mother called me and said that Mr. Flores had contacted her and
16 now she's upset that she reported him because he was telling her that
17 somebody put a corrupted file on his phone and he had no idea it was on there
18 and so it kind of all matched at that point of why he was asking that question
19 during the interview. There was no responsibility being taken for his actions
20 with such a serious matter with child pornography. I've worked other cases of
21 child pornography myself and also helping our former Detective Sergeant
22 Stivers -- it's all bad, don't get me wrong, but some of the videos in here with
23 these children being raped by adult males was the worst I've seen as far as
24 cases I've had. -- I get the PSI recommendation was probation -- but I think
25 there's a time for people being put on probation. Somebody steals a candy bar

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1 from the store, I get it. Put them on probation. But somebody seeks out child
2 pornography, has it on their phone, continuously goes back and watches it, I
3 believe he told me -- it was a wide range of ten to twenty different times he
4 pulled his phone back out, pulled them up. At one point he even got a new
5 phone and he went in to check to see if that mega app, which is where the
6 child pornography is stored, was still on there which it was, it transferred over,
7 and he watched the porn videos after -- after having the new phone. -- So, yes,
8 I do believe probation is appropriate for some cases, however when it involves
9 innocent children who are probably put in a horrible situation for being human
10 trafficked or possibly it's their own parents making these videos and putting
11 them out to the world for people like Leo to stumble across and for whatever
12 reason find joy in that -- I don't think probation is appropriate. I think exactly
13 what he told me in the interview, he's scared to go to DOC, he's scared to go to
14 prison. I think that should be a fair punishment for somebody that does
15 something like this. I don't think he's gonna -- if somebody could tell me how
16 they could fix somebody who's got a problem with child pornography, I'm all
17 ears, but I know the recidivism rate is extremely high for stuff like that. And
18 usually this is where it starts with seeking out and watching child pornography
19 to actually acting that out and going further with that as far as progressing
20 down that road. And just given he had a five year old daughter at the time that
21 this happened is even more, I guess disgusting to me. Maybe not to him, but
22 that's how I feel about it. I would hope the majority of people would feel that
23 way, but that's all I got on that.

24 Q. Anything else about -- your investigation or your discussions with Mr.
25 Flores that you feel the court should know about?

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1 A. I don't. But I know there's only two people in this courtroom I believe
2 who have actually saw the videos which is myself -- who watched them to try to
3 seek justice for these innocent kids and one other person who watched them
4 to, I guess for sexual gratification. But I'd like to read some of the -- if I'm able
5 to, read some of the descriptions and titles of some of these videos if possible to
6 the court.

7 Q. Go ahead.

8 A. These are from my affidavit. They're also in my report. Tiny young
9 juvenile girl being penetrated by somebody else with objects, prepubescent,
10 small features. Adult male fondling an approximate eight to nine year old girl,
11 she was naked. Young faced girl, juvenile, giving oral sex to what appears to be
12 an adult penis. One of the descriptions I put in here was, I could tell by the
13 thumbnail for the videos that they contained young juvenile girls that appear
14 younger than thirteen, they were nude and prepubescent. I spared myself the
15 pain of watching them since I could tell by the thumbnail. Young juvenile girl,
16 nine or ten years old, giving oral sex to what appeared to be an adult penis.
17 Older guy using his penis to penetrate a young girl who is prepubescent, no
18 older than sixteen. Seven or eight year old girl, juvenile, masturbating with
19 prepubescent small features. Young girl, maybe six years old, topless, chest is
20 flat. Video title was 2010 rape suck eleven year old. Video showed a tiny
21 young girl being forced to give an adult male oral sex. He was forcing her
22 mouth on her -- he was forcing her mouth on his penis and when she tried to
23 get away, he would forcibly pull her back to him. She appeared no older than
24 eleven. Title of the video was riley age eleven captured 11/4 of 2004. It depicts
25 a young prepubescent girl fully naked, appeared to be younger than eleven.

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1 Young juvenile girl showing her panties, face of a child, maybe six or seven.
2 Voyeurism of what appeared to be two female children changing in a changing
3 room. You could see their prepubescent vaginas. Video was shot from
4 underneath the changing room door. Title of the video was vanessa ten anos
5 cohita (Phonetic). Anos means years in Spanish and cohita (Phonetic) is
6 Spanish for -- slang for fuck. Video depicts a tiny prepubescent girl being
7 penetrated by someone else with objects, girl looks no older than nine or ten.
8 Old man having forced sex with a seven -- six or seven year old girl. Girl is tiny
9 and not developed, prepubescent. Title of the video was aracella eleven years
10 hundred and fifty dollars anal Paraguay. Video depicts a tiny young female
11 laying motionless face down on a bed, adult male was penetrating her anus
12 with a penis, looked no older than eleven the title said. Title of video, Chinese
13 cutie six or seven years old, naked, masturbating. Six or seven year old girl,
14 prepubescent, appeared to be an adult male having anal sex with her. Title
15 was open thirteen. Young girl appeared not older than thirteen. Young girl,
16 prepubescent, having sex with a male subject, girl appeared no older than
17 fifteen. Title was the mandatory bath scene. Showed a girl -- showed a young
18 girl that appeared not older than thirteen being penetrated by a male subject in
19 a shower. Girl was prepubescent. 2010 R period period period C K eleven year
20 old. Video depicted a young girl naked, prepubescent, appeared no older than
21 twelve. Ten year old D period period period low income. Video depicted
22 prepubescent girl no older than twelve. Fourteen year old J dot dot dot Y hot.
23 Video depicted a young girl, naked, appeared to be younger than sixteen,
24 prepubescent. Laura ten dot dot dot two. Young girl, nude, prepubescent,
25 didn't appear older than nine or ten. Title of this one was Sally tied up seven

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1 year old. Video depicted a frail female child that was tied and bound with what
2 appeared to be ropes. She was being forcibly penetrated by another individual
3 with objects.

4 MR. BLAZEY: Judge, I'm gonna object unless -- I assume these
5 facts are describing the offenses my client pled guilty to. There were several
6 counts that -- those counts were dismissed so I would object to any further
7 testimony regarding --

8 THE COURT: State?

9 MS. HOUCHIN: The state is done at this point with testimony.

10 THE COURT: All right. Mr. Blazey, any --

11 MR. BLAZEY: No questions, Your Honor.

12 THE COURT: All right. State, next witness.

13 MS. HOUCHIN: No other witnesses, Your Honor, just argument at
14 this point.

15 THE COURT: Mr. Blazey?

16 MR. BLAZEY: Judge, we would just want to present argument.

17 THE COURT: All right. State?

18 MS. HOUCHIN: Yes, Your Honor. -- As heard by the testimony
19 just given by Detective Drew -- Mr. Flores continued to -- initially minimize --
20 this offense and even afterwards, continued to minimize this offense to friends
21 and family. He does not show remorse for his actions. -- He -- he also as well -
22 - in the PSI -- struggles with -- with substance abuse and his mental health. --
23 He stated his mental health is improving but he still has his -- rough days. He
24 -- in terms of aggravating and mitigating circumstances -- Mr. Flores does not
25 have a history of delinquent or criminal activity, or he has led a law -- law

1 abiding life for a substantial period before the commission of the crime.
2 Aggravating factor is the victim of the offense was less than twelve years of age
3 or at least -- sixty-five years of age at the time the person committed the
4 offense. -- And as -- as noted -- in -- in testimony, these were all quite young
5 children that were involved in these -- in these videos. -- And again, Mr. Flores
6 doesn't take real responsibility for his actions. He doesn't seem to --
7 acknowledge -- the potential circumstances of -- of these children that were
8 involved in the video. How they may have been -- abused in some way in order
9 to fulfill his -- sexual desires or sexual fantasies. This was really graphic and
10 horrible, horrible things that were found on his phone and he claimed he didn't
11 now what they were initially, but as the -- conversation and investigation went
12 on, he showed and demonstrated that he was lying about that and not being
13 fully truthful and it took him some time with Detective Drew before he was
14 somewhat truthful about the circumstances of this child pornography being on
15 his phone, about him viewing it, about him carrying it over to another phone. -
16 - I know that in the PSI, probation is recommending -- one thousand ninety-
17 five days at DOC, credit for time served, nine hundred and fifty-three days
18 suspended to supervised probation to include the first two years of that
19 probation on home detention with GPS monitoring -- in count one and then
20 that to run consecutive with the other -- three counts. The state is
21 recommending one thousand four hundred and sixty days -- to be served at the
22 Department of Correction, credit for time served -- and of that four -- one
23 thousand four hundred and sixty-three years actually executed at the DOC --
24 whatever remaining time be suspended to supervised probation. That the
25 defendant be required to register -- comply with all registration requirements --

1 and register for a period of ten years. The state believes that this is most
2 appropriate for him. -- That there will be nothing on probation that may assist
3 or help change or attempted rehabilitation with Mr. Flores and that the most
4 appropriate sentence for him -- would be the three years executed at DOC --
5 and after that time, any other time suspended to supervised probation. Same
6 sentence in the other three causes, all to run concurrently together.

7 THE COURT: So -- I guess just to be clear, state's position is the
8 aggravating circumstances outweigh mitigating and to be -- let me ask this, can
9 the state identify any case law that would say that because of the age of the
10 child as an aggravator whereby the element of this offense -- raises the case --
11 the level from a six to a five, this is the age as an element. Does that then
12 make it an aggravator as well? Can you identify any case law for me, please?

13 MS. HOUCHIN: I do -- I do not have any -- I do not have any case
14 law on that, Your Honor. -- At the -- at the minimum -- the state would ask for
15 the full possible -- time on all of these counts to run concurrent under current
16 law.

17 THE COURT: Mr. Blazey?

18 MR. BLAZEY: Judge -- I was gonna point out the same thing.
19 Under the -- we would object to the aggravating factor that the victim was less
20 than twelve years of age or at least sixty-five years of age cause that was an
21 element of the offense and it can't be an element that enhances the severity of
22 the offense then also be an aggravator, so we would object to that aggravating
23 factor. We would agree with the mitigating factor -- factor that my client has
24 no history of delinquent criminal act -- history of delinquent or criminal activity
25 and has led a law-abiding life for a substantial period of time before the

1 commission of the crime. -- And therefore, it's the court's duty under the
2 Indiana code to balance the aggravating and mitigating factors. We believe
3 mitigating outweighs aggravating substantially and request that the court
4 sentence accordingly. The IRAS assesses the defendant's overall risk to
5 reoffend as a moderate risk to reoffend. I believe he was either low or moderate
6 in all but one category. -- I -- I'm encouraged -- strike that. I agree with
7 probation's recommendation and it's not just probation. I mean, he's gonna
8 have to -- he's already served some time in jail. He's gonna have to be on
9 probation for a substantial period of time and also be on home detention with a
10 GPS monitor for two years. He's gonna have to -- comply with the conditions of
11 the sex offender's and continue his mental health and substance abuse
12 treatment and successfully be discharged. If he -- if he -- he's gonna have to
13 comply and -- and -- complete all these things satisfactorily or he is gonna go
14 to prison. So, we believe that probation's recommendation is -- is -- is a
15 positive recommendation that would allow -- give the defendant a chance to be
16 rehabilitated and also -- also receive punishment for what he's done. He has
17 taken account -- he has taken accountability for the offenses. He's pled guilty
18 pursuant to a plea agreement. We would ask that the court follow probation's
19 recommendation. Thank you.

20 THE COURT: State, anything else?

21 MS. HOUCHIN: No, Your Honor.

22 THE COURT: Mr. Flores, you have a right to make a statement.
23 Do you wish to do so?

24 THE DEFENDANT: -- I'm just sorry for what I did and I'm guilty
25 but I'm -- I'm working on myself. I mean, I -- it's gonna take a while, you

1 know. My mental health doesn't get better overnight, you know, it takes a
2 while. You know, a lot of -- and I -- I struggle with what I did every day. It's a
3 nightmare for me. And nobody knows what I go through every night in my bed.
4 I barely sleep sometimes, but I'm -- I'm willing to get better. I mean, I am
5 getting better and -- that's it.

6 (Pause)

7 THE COURT: Anything else from anyone?

8 MR. BLAZEY: No, Your Honor.

9 MS. HOUCHIN: No, Your Honor.

10 THE COURT: I'm gonna in a different direction than probably
11 everybody. -- State's recommendation is maximum DOC -- maximum
12 allowable DOC. -- Defendant certainly -- wants to follow the recommendation
13 of probation, that being -- entirely suspended sentence. The court finds that
14 the advisory sentence is appropriate. It certainly could be argued that
15 defendant has no history and that -- it could be argued that this would be a
16 hardship to his family, his children and supporting those children. I don't find
17 that the victim being less than twelve is an aggravator. That's certainly not
18 appropriate where it's an element of the offense and enhances the underlying
19 crime. The advisory sentence is appropriate. So, the court will accept the plea
20 agreement. Enter judgment and conviction to count one, possession of child
21 pornography, a level five felony, count eleven, possession of child pornography,
22 a level five felony, count twelve, possession of child pornography, a level five
23 felony, and count thirteen, possession of child pornography, a level five felony.
24 The sentence in each would be one thousand ninety-five days at the Indiana
25 Department of Corrections. Count one, the sentence would be served as -- as

1 follows. That the defendant's gonna be ordered to serve two years at the
2 Indiana Department of Corrections followed by one year on the work release
3 program, receive credit for sixty-eight actual days, that being from -- February
4 13th of '23 to April 21st of '23 when -- at the time bond was posted. Court costs
5 are a hundred and eighty-nine dollars. There's a five hundred dollar sexual
6 assault victim's fee that's gonna be required. In counts eleven, twelve and
7 thirteen, pursuant to Jones v. State 221 northeast third 686 and Indiana code
8 35-51-2-D, counts eleven, twelve, thirteen would be consecutive to count one.
9 First year would be executed in a community corrections program followed by
10 two years suspended to supervised probation. So, it's an aggregate sentence of
11 six years. Terms and conditions of the probation would be the court's standard
12 terms. So, you would need to meet with probation as directed, not commit
13 another criminal offense, truthfully answer all inquiries, participate in
14 evidence-based programs. You would have to submit to a DNA sample. You be
15 employed, maintain employment, support your dependents and meet your
16 family obligations. That you -- not purchase, possess, use firearms or
17 destructive devices, other dangerous or deadly weapons, permit probation and
18 anyone acting on their behalf to conduct a warrantless search of your person,
19 home, vehicle, property at any time without reasonable suspicion for purpose
20 of ensuring compliance with all the court's orders. That any resident to which
21 you would reside would require a fourth amendment waiver to be signed as
22 well. Not move your residence from Dubois County without written permission,
23 not travel outside the state of Indiana without written permission. Keep
24 probation informed of your address and telephone, notifying them within
25 twenty-four hours of any change. That you not purchase, possess, use,

1 consume any alcohol, narcotics, drugs, or controlled substance unless
2 prescribed. If prescribed, use only as prescribed, and be subject to random
3 screens at your expense. That -- there's an administrative fee of one hundred
4 dollars, initial user's fee of one hundred dollars and a twenty-five dollar
5 monthly fee thereafter. I've already addressed court costs and the fee. That
6 you would be required to comply with and be subject to all the Indiana state
7 special probation conditions for an adult sex offender. That you be required to
8 register as a sex offender. You understand that?

9 THE DEFENDANT: Yes.

10 THE COURT: Fulfill all the obligations. That you would --
11 continue with your current -- well, once you're released, that you would have --
12 you would be required to have mental health and substance abuse counseling
13 and successfully complete that until discharged by a therapist. -- So, again,
14 the Indiana -- I don't know if you saw those. Those are attached to the
15 presentence. If you had an opportunity to read them, the Indiana special
16 probation conditions for an adult sex offender. You are required to register
17 pursuant to Indiana code 11-8-8. That you would not reside within a
18 thousand feet of a school property. That you would not reside -- paragraph five
19 doesn't apply. You shall -- six does not apply. That you would consent to a
20 search of your personal computer at any time and to the installation of a
21 personal computer or web equipped device at your expense, hardware or
22 software to monitor your internet usage. That you would be prohibited from
23 accessing certain websites, chatrooms, instant messaging programs frequented
24 by children, prohibited from deleting, erasing or tampering with the
25 information on your personal computer with the intent to conceal any activity

1 prohibited by the condition. That you would -- you would not use any social
2 networking websites or instant messaging chatroom programs to communicate
3 directly or through an intermediary with a child less than sixteen years of age.
4 That -- you would attend, actively participate and successfully complete court
5 approved sex offender treatment program as directed by probation, be
6 responsible for the fees. Unsuccessful completion of the -- or termination from
7 the program would result in revocation of your probation. You would not miss
8 any appointments for treatment, psychotherapy or counseling. That you would
9 not possess any obscene materials. That you would not visit strip clubs or
10 businesses that primarily sell obscene material as defined by Indiana code.
11 And you would not access internet webpages or computer applications with a
12 purpose of soliciting sexual encounters. That you would, again, not consume
13 alcohol or use any controlled substances. You would submit to a substance
14 abuse evaluation or continue your current treatment, following all
15 recommendations. That you would inform all persons living in your place of
16 residence of your sex related conviction and notify probation of any change in
17 the composition of your home. That you would only maintain one residence
18 and one mailing address. You would not travel alone after ten p.m. unless
19 given written permission by probation. You would not engage in any relation
20 with any person who has children under the age of sixteen unless given
21 permission by probation. Your probation officer would be required to approve
22 your employment. You would not work in any occupation that involved being
23 in a private residence of others, such as door to door sales, soliciting, home
24 service visits or deliveries. That you would have no contact with any person
25 under the age of sixteen unless you receive court approval. That you would not

1 be present at any schools, playgrounds, or daycare centers unless given written
2 permission. You would not participate in any activities involving children
3 under eighteen such as but not limited to, youth groups, boy scouts, girl
4 scouts, cub scouts -- brownies, 4H, YMCA, WYMCA, youth sports teams,
5 unless granted written permission. That you would sign a waiver of
6 confidentiality to release information to any of these documents required to
7 permit probation or behavioral management team to examine all records of
8 your mental health providers. That you would participate in and complete
9 periodic polygraph testing at your expense as directed by probation. This is
10 considered intensive supervision, and you would report to probation as
11 directed, keep a travel log, daily journal. Again, you would be prohibited from
12 accessing, viewing, or using internet websites or computer applications that
13 depict obscene material. You would not possess any data encrypting
14 techniques or programs to conceal your internet activity. Do you have any
15 questions, sir?

16 THE DEFENDANT: No.

17 THE COURT: So, I would inform you that you have a right to
18 appeal and or file a motion to correct errors. It would have to be done within
19 thirty days. If you fail to do so, you would waive or give up your right to
20 contest today's sentencing. You have a right to be represented by counsel at all
21 states. Court would appoint an attorney -- well -- court's going to -- it was a
22 five thousand dollar bond. That bond will not be released until such time as --
23 to determine whether you intend to effectuate an appeal. If you do, that money
24 would be held to pay for the appellate process. The court would appoint an
25 attorney and use that money to appoint an appellate attorney. If you do not,

1 then court costs, fines and fees would come out of the bond, and it would be
2 returned to whoever posted that. State, any questions?

3 MS. HOUCHIN: No, Your Honor.

4 THE COURT: All right. Do you understand what -- so, it's a six
5 year sentence, two years executed at Department of Corrections, two years --
6 work release and or community corrections and then two years of probation.
7 So, you may go with the deputy to begin serving your sentence.

8 (Proceedings adjourned at 9:27 a.m.)
9

10 STATE OF INDIANA, COUNTY OF DUBOIS, SS:

11 I, Heather N. Schnaus, Official Court Reporter of the Dubois Circuit
12 Court, do hereby certify that the above and foregoing is a true, accurate and
13 complete transcript as prepared by me to the best of my ability.
14

15 /S/ Heather N. Schnaus

16 HEATHER N. SCHNAUS

17 COURT REPORTER

18 DUBOIS CIRCUIT COURT
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