

STATE OF INDIANA
SS:
COUNTY OF CLAY

IN THE CLAY SUPERIOR COURT

2023 TERM

CAUSE NO. 11D01-2205-F6-000346

STATE OF INDIANA
VS

HERSCHELL E. BURRIS
DOB: 10/12/1971

FILED

MAY 02 2023

Amy E. Jordan
CLERK OF SUPERIOR COURT

**GUILTY PLEA AND
SENTENCING ORDER**

(5/1/23) Defendant appears in person and by counsel Matt Effner/PD. State of Indiana appears by its Deputy Prosecuting Attorney, Hannah Nevil. Parties inform the court that they have entered into an agreement and pursuant to said agreement, defendant now withdraws his/her previous plea of not guilty and enters a plea of **guilty to COUNT 1: POSSESSION OF METHAMPHETAMINE, LEVEL 6 FELONY. The State shall dismiss Count 2 and 11D01-2207-CM-000530.** Court advises the defendant of his/her rights, defendant waives said rights. Court examines the defendant and finds said plea is voluntary and a factual basis exists for said plea and now finds the defendant guilty of said offense(s). Parties waive pre-sentence investigation report. Pursuant to said agreement, defendant is now **sentenced to a period of 545 days** with the Indiana Department of Corrections and is entitled to good time credit if earned. The Defendant shall **serve an executed sentence of 2 days, and the balance 543 days shall be suspended to probation.** The Defendant is given **credit for 2 days (1 actual day and 1 good time credit day (JULY 14, 2022))** previously served as a result of this charge; **leaving 0 days to be served.** The Defendant is advised he/she is sentenced for not less than the earliest release date and for not more than the maximum possible release date. That defendant agrees that any and all evidence maintained by law enforcement may be immediately returned to its rightful owner or disposed of by law enforcement in the event it may not be returned or is contraband.

Defendant is placed upon **FORMAL probation for 543 days** on the following terms and conditions:

- 1) That defendant obey all state, local and federal laws.
- 2) That the defendant shall pay fines, costs, probationary user fees and all other related fees within the probationary period
- 3) That defendant **REPORT immediately with probation officer** in a manner prescribed by said officer and follow all probationary requirements, including an exit conference during the last month of probation.
- 4) That defendant reimburse the public defender fund if applicable.
- 5) That the defendant shall submit him/her self for a substance abuse evaluation and/or treatment as directed by the Probation Department and obey all rules and regulations of that program and pay all fees.

6) Do not possess (and be subject to random screens) alcohol, controlled substances, illegal drugs, and marijuana. Said term shall include any prescription substance for which defendant does not have a current /valid prescription and the abuse of any prescription for which the defendant does have a current/valid prescription. Also included are all synthetic substances/equivalents with similar chemical structure and pharmacological affects as marijuana/cannabis, including but not limited to any form of K-2 or CBD oil. The defendant acknowledges that testing positive for any of the above may be deemed a violation of probation.

7) Pay the mandatory counter-measure/drug interdiction fee in the amount of \$200.00.

8) That defendant not possess firearms or ammunition.

9) Defendant agrees and specifically waives any and all rights as to search and seizure under the laws and constitutions of both the United States and the State of Indiana. Defendant's person, residence, motor vehicle, or any location where Defendant's personal property may be found shall be subject to search by a Probation Officer, employee of Clay County Community Corrections or any law enforcement officer acting on behalf of a Probation Officer or Clay County Community Corrections employee to insure compliance with probation or Community Corrections. (Hodges v State, 54 NE 3rd 1055). Defendant further understands and agrees that any contraband or evidence of criminal activity may be introduced against him/her at a probation revocation hearing, hearing to revoke direct placement, or criminal prosecution.

10) That the Defendant shall provide a DNA sample through Clay County Probation/Clay County Community Corrections to be processed and retained pursuant to Indiana Law.

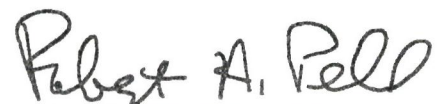
11) The Defendant hereby stipulates to the admissibility of drug test results in any subsequent hearing on revocation of probation.

The Defendant is advised that a violation of the terms of probation may result in a revocation of probation and the Court could continue the period of probation with or without modifying or enlarging the conditions thereof, extend the probationary period, or order the Defendant to serve all or part of the suspended portion of the original sentence.

Defendant is fined the sum of \$195, \$200 countermeasures fee or drug interdiction fee and upon payment of fine, costs and related fees and expenses any surety heretofore filed is now ordered released. Upon motion of State any and all remaining counts now ordered dismissed.

This matter having been adjudicated, the Court now orders that the public defender be withdrawn.

May 2, 2023



ROBERT A. PELL, JUDGE
CLAY SUPERIOR COURT

Copies:

File

Pros Atty.

Matt Effner/PD

Probation Officer

Community Corrections