


STATE OF INDIANA)
)
COUNTY OF JACKSON)

IN THE JACKSON SUPERIOR COURT 2

STATE OF INDIANA

vs.

Case number: 36D02-2306-CM-000624

JAMES T LUCAS
DOB: 06/21/1964
SSN: XXX-XX-

NEGOTIATED PLEA AGREEMENT

The State of Indiana (State) by its Prosecuting Attorney, Jeffrey A. Chalfant, in and for the 40th Judicial Circuit, and the Defendant, in person and with counsel, Mark Dove, enter into this **NEGOTIATED PLEA AGREEMENT** and agree to the terms as indicated. The State may withdraw from this agreement at any time prior to the Defendant entering a plea of guilty in court. This agreement embodies the entire agreement between the parties, and no promises or inducements have been made or given to the Defendant by the State which are not part of this written agreement.

I.

The Defendant will enter a plea of guilty to count one, Operating a Vehicle While Intoxicated, a Class C Misdemeanor, and will also enter a plea of guilty to count two, Leaving the Scene of an Accident, a Class B Misdemeanor.

Upon the plea of guilty to count one the Defendant shall be sentenced as follows:

- (1) Judgment of Conviction shall be entered as a Class C Misdemeanor.
- (2) The Defendant shall be imprisoned for 60 DAYS in the appropriate penal facility with all of said imprisonment SUSPENDED, except for time served.
- (3) The Defendant shall be placed on Supervised Probation for 365 days.
- (4) The parties agree that Probation may be terminated after 180 days if the Defendant successfully completes the special terms and conditions of probation.

Upon the plea of guilty to count two the Defendant shall be sentenced as follows:

- (1) Judgment of Conviction shall be entered as a Class B Misdemeanor.

- (2) The Defendant shall be imprisoned for 180 DAYS in the appropriate penal facility with all of said imprisonment SUSPENDED, except for time served.
- (3) The Defendant shall be placed on Supervised Probation for 365 days. The parties agree that Probation may be terminated after 180 days if the Defendant successfully completes the special terms and conditions of probation.

The sentences imposed pursuant to this Plea Agreement, shall be served concurrently to each other.

The parties agree that the Defendant's license to operate a motor vehicle shall be SUSPENDED for a period of 60 days.

II.

In addition to the standard terms of Probation, the parties agree that the following special terms and conditions of Probation shall apply to the Defendant:

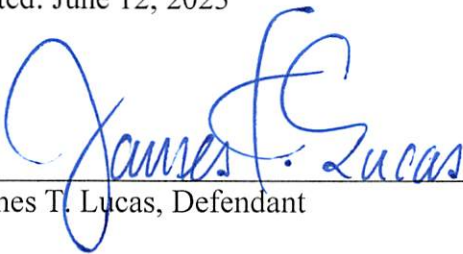
- (1) The following costs and fees shall be assessed and ordered paid by the Defendant:
 - (a) Court Costs;
 - (b) Probation Fees;
 - (c) Alcohol & Drug Evaluation and Treatment/Therapy fees;
 - (d) Counter Measure fee of \$200.
- (2) The Defendant shall pay restitution to the Indiana Department of Transportation under a payment schedule to be set forth by the Jackson County Probation Department. The current estimate is \$3,929.62. The Defendant agrees to pay this amount, but also understands that actual repair costs may differ. The parties understand that any variance in the amount will be handled separately from this case, as restitution must be finalized at the time this court pronounces sentence.
- (3) The parties agree that any bond posted in the name of the Defendant may be applied to all costs and fees assessed and imposed at sentencing, and to any future costs and fees that are assessed and imposed in this cause including but not limited to probation fees, community corrections fees, court costs, fines, and restitution.
- (4) The parties agree that any outstanding costs and fees are made a special term and condition of Probation and shall be paid according to a payment schedule to be determined by the probation department.

- (5) The Defendant agrees that he will be tested for controlled substances, drugs, and/or alcohol as a term of Probation. The Defendant agrees that the Probation Department and/or other supervising agency may choose to test for the above stated substances by a Urine Drug Screen, Blood Drug Screen, by an Oral Drug Screen, by Alcohol Breath Test, or by other screening method. The Defendant agrees that he will not contest or in any way object to the method of testing nor the admissibility of the results in evidence at a hearing on a Petition to Revoke Probation, a Motion to Execute Sentence, or other similar hearing.
- (6) The Defendant shall submit to an alcohol and drug abuse program approved by the Jackson County Probation Department for an evaluation. If a need for treatment or therapy is indicated, the Defendant shall submit to and complete a course of treatment or therapy as required by the evaluator with the defendant paying all costs of the evaluation and any treatment or therapy.
- (7) The Defendant shall attend a Victim Impact Panel as arranged by Jackson County Probation Department, and pay a fee associated with the Victim Impact Panel;

III.

Any Additional Special Terms or Terms of Probation are left to the sound discretion of the Court.

Dated: June 12, 2023



James T. Lucas, Defendant



Mark Dove, Attorney for the Defendant
Attorney No. 4729-40

/s/ Jeffrey A. Chalfant

Jeffrey A. Chalfant, Prosecuting Attorney