

APPENDIX

STATE OF INDIANA)
)
COUNTY OF HENRY)
)

IN THE HENRY CIRCUIT COURT NO. 2

STATE OF INDIANA)
)
VS.)
DARLENE HERRAN)
DOB: 5-26-1966)

CASE NO. 33C02-1802-F5-000009

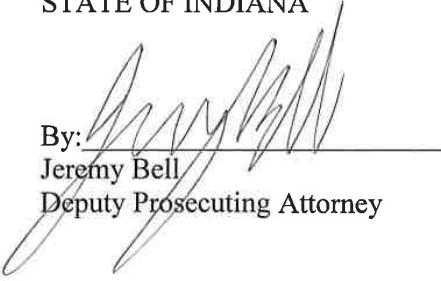
PETITION TO REVOKE DIRECT COMMITMENT TO HENRY COUNTY
COMMUNITY CORRECTIONS HOME DETENTION

Comes now the State of Indiana by Jeremy Bell, Deputy Prosecuting Attorney in and for the 53rd Judicial Circuit, and petitions the Court to revoke the Order Placing Defendant on Home Detention with Electronic Monitoring (entered November 29, 2018). The State would show the Court, as follows, to-wit:

The State alleges that the defendant, Darlene Herran has violated stipulations as written in the Order Placing Defendant on Home Detention with Electronic Monitoring (entered November 29, 2018), as reported in the correspondence and report to the Henry County Prosecutor from Gregory Hall, Case Manager, Henry County Community Corrections, dated February 8, 2019. [Copies of the letter and report with attachments, CCS, and Order Placing Defendant on Home Detention with Electronic Monitoring (entered November 29, 2018), are attached hereto and made a part hereof.]

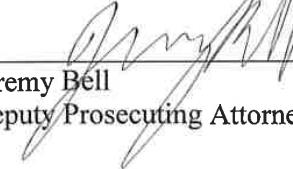
WHEREFORE, the State requests that the defendant be ordered to appear and a warrant be issued for the defendant.

Respectfully submitted,
STATE OF INDIANA

By: 
Jeremy Bell
Deputy Prosecuting Attorney

CERTIFICATE OF SERVICE

I hereby certify that a copy of the Petition to Revoke Home Detention has been served this 17 day of February, 2019, on Henry County Community Corrections, PO Box 6096, New Castle, IN 47362; and Darlene Herran, 304 N. 12th St., New Castle, IN 473652, by one of the following methods: Personal Hand Delivery, U.S. mail, Email, Facsimile, or via E-Service through the E-Filing Manager.



Jeremy Bell
Deputy Prosecuting Attorney



Henry County Community Corrections

P. O. Box 6096 • 1001 Van Nuys Road • New Castle, IN 47362
Phone (765) 593-0425 • Fax (765) 593-0735

*Home Detention
Community Service Restitution
Out of School Suspension Program
Adult Day Reporting
Community Transition Program*

February 8, 2019

To: Prosecutor's Office; Circuit Court 2
Re: Darlene Herran (D.O.B. 05/26/1966)
Cause Number: 33C02 1802 F5 000009

On 12/4/2018 Darlene was placed on home detention with Henry County Community Corrections for Operating a Vehicle after a Lifetime Suspension (F5). This was for 812 actual days. Darlene has completed sixty-seven (67) days of her sentence.

On 12/4/2018 a baseline urine screen was administered on Darlene. The results were positive for legal substances, but Darlene did not have a valid prescription for. Darlene admitted to self-medicating. Please see attached.

Due to Darlene's failed drug screen I advised she would need to get a drug and alcohol evaluation. Darlene argued it was not in her court order. I advised that she would need to get one due to a failed screen. Darlene failed to show for her assessment on 1/15/2019. On 1/16/2019 I advised Darlene that she was to report to ADEC to complete her assessment. She again attempted to argue that it was not court ordered.

On 1/22/2019 Darlene completed the assessment at ADEC. It was recommended that she complete 12 weeks of IOP. This was to begin on 2/4/2019.

On 1/23/2018 I met with Darlene and Deputy Director Bertram. We discussed with Darlene the importance of completing IOP and not receiving anymore write ups. She became argumentative again. She stated she found an afternoon shift job and would be unable to go to IOP. She was advised she needed to get into Meridian. Deputy Director Bertram advised she had already received nine write ups while on home detention and she could not get anymore. Darlene advised she understood.

On 2/2/2019 Darlene went to Walmart. This was not scheduled nor was permission given by HCCC staff.

Darlene has had ten (10) violation reports while on home detention. They are as follows:

1. Felon in Residence	12/8/2018
2. Failure to Turn in Schedule	12/7/2018

3. Failure to Answer Phone	12/10/2018
4. Unauthorized Location	12/10/2018
5. Failure to Answer Phone	12/11/2018
6. Failure to Report	12/12/2018
7. Failure to Report for Program	12/12/2018
8. Failure to Turn in Schedule	1/14/2019
9. Failure to Complete Job Search	1/16/2019
10. Unauthorized Location	2/4/2019

Darlene currently owes \$215.00 in Home Detention fees.

We respectfully request Darlene be removed from home detention and not returned to Henry County Community Corrections.

Sincerely,



Gregory R. Hall
Case Manager
Henry County Community Corrections



3650 Westwind Blvd, Santa Rosa, CA 95403
Phone: 707-577-7950 // Fax: 707-577-0365
www.redwoodtoxicology.com

D. Heran

Identification: 1195

DOB: Account #: 124358
Sex: Requisition #: 903220
Collected by: M. MASTERS Accession #: 181205-11075
Collected: 12/04/2018 Specimen Type: Urine
Received: 12/05/2018 3:21 PM
Reported: 12/08/2018 7:44 PM

Laboratory Directors: Mark J. DeMoo, M.D.; Richard R. Wilber, M.D.
CLIA License # 05D0707588

Client: Henry County Community Corrections

1001 Van Nuys Rd
PO Box 6096
NEW CASTLE, IN 47362-9060
Phone: (765)593-0425
Fax: (765)593-0735

Final Result Summary

- Buprenorphine detected by LC/MS/MS (20.0 ng/mL)
- Norprenorphine detected by LC/MS/MS (64.0 ng/mL)
- Noroxycodone detected by LC/MS/MS (283 ng/mL)
Presence of Oxycodone and/or Noroxycodone indicates Oxycodone ingestion.
- Oxycodone detected by LC/MS/MS (88 ng/mL)
- Oxymorphone detected by LC/MS/MS (175 ng/mL)
Presence of Oxymorphone indicates Oxymorphone ingestion and/or as a metabolite of Oxycodone.

Tests Ordered

- E36 - Urine 11 Panel
AMP,BAR,BUP,BZO,COC,CR,ETG,
MTD,OPI,OXY,THC

Drug Tests

Drug	Result	Screen	Confirmation		
		Method	Cutoff	Method	Cutoff
Amphetamines	Not detected	EIA	1000 ng/mL		
Barbiturates	Not detected	EIA	200 ng/mL		
Benzodiazepines	Not detected	EIA	200 ng/mL		
Buprenorphine					
Buprenorphine	DETECTED	EIA	5 ng/mL		
Buprenorphine	DETECTED (20.0 ng/mL)			LC/MS/MS	0.5 ng/mL
Norprenorphine	DETECTED (64.0 ng/mL)			LC/MS/MS	0.5 ng/mL
Cocaine (Benzoylecgone)	Not detected	EIA	300 ng/mL		
Ethyl Glucuronide (EtG)	Not detected	EIA	100 ng/mL		
Methadone	Not detected	EIA	150 ng/mL		
Opiates	Not detected	EIA	300 ng/mL		
Oxycodone / Oxymorphone					
Oxycodone / Noroxycodone	DETECTED	EIA	100 ng/mL		
Noroxycodone	DETECTED (283 ng/mL)			LC/MS/MS	50 ng/mL
Oxycodone	DETECTED (88 ng/mL)			LC/MS/MS	50 ng/mL
Oxymorphone	DETECTED (175 ng/mL)			LC/MS/MS	50 ng/mL
THC (Marijuana)	Not detected	EIA	50 ng/mL		

Specimen Validity Tests

Test	Result	Method	Reference Range
Creatinine	55.9 mg/dL	Colorimetric	≥20 mg/dL



1050 Westwood Blvd., Santa Rosa, CA 95403
Phone: 707-577-7950 / 800-755-7159
Fax: 707-577-0365
www.redwoodtoxicology.com

Laboratory Directors: Mark J. DeMoo, M.D.; Richard R. Wilbar, M.D.
C.I.A. License # 05D0707588

Comments:

Analytical testing has been performed in accordance to all Redwood Toxicology Laboratory standard operating procedures and final results have been reviewed by laboratory certifying scientists.

Method Index

EA - Enzyme Assay

EIA - Enzyme-Immunoassay

ELISA - Enzyme-Linked Immunosorbent Assay

RIA - Radio-Immunoassay

TLC - Thin Layer Chromatography

GC-FID - Gas Chromatography - Flame Ionization Detector

GC/MS - Gas Chromatography / Mass Spectrometry

LC/MS/MS - Liquid Chromatography Tandem Mass Spectrometry

Specimens are disposed of as follows: Negatives - after two days; Positives - after three months.

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CHRONOLOGICAL CASE SUMMARY

CASE No. 33C02-1802-F5-00009

State of Indiana v. Darlene K Herran (ELECTRONIC FILE ONLY)

§
§
§
§
§

Case Type: F5 - Felony 5
 Date Filed: 02/23/2018
 Location: Henry Circuit Court 2

RELATED CASE INFORMATION

Related Cases

18A-CR-03131 (Lower Trial Court Case)

PARTY INFORMATION

Defendant	Herran, Darlene K 304 N 12Th St New Castle, IN 47362 DL: IN8931-92-5983	Female White DOB: 05/26/1966 5' 7", 145 lbs	Attorneys Dale W Arnett Retained 102 Hospital Dr. Winchester, IN 47394 ** Confidential Phone Number ** ** Confidential Fax Number ** larnett1@frontier.com
Probation Department	Henry County Probation Dept - Adult Adult		
State Plaintiff	State of Indiana	Jeremy Scott Bell Henry County Prosecutor's Office 1215 Race St Suite 250 New Castle, IN 47362 765-529-2066(W) jeremy.bell@co.henry.in.us	Joseph John Bergacs Henry County Prosecuting Attorney 1215 Race St Suite 250 New Castle, IN 47362-0000 765-529-4614(W) 765-521-7029(F) eNotice@co.henry.in.us

CHARGE INFORMATION

Charges: Herran, Darlene K 1. 9-30-10-17(a)(1)/F5: Operate Mtr Veh After Forfeiture of License n/a for Life Def. operates vehicle aft	Citation n/a	Statute 9-30-10-17(a)(1)	Level Felony 5	Date 02/22/2018
Bonds Henry Cash Bond 03/06/2018 12/20/2018 Counts:1 Comments:	\$750 CASH BOND RECEIVED BY CLERK RELEASED Posted in Sheriff's Office by Katelyn cooper on 03/02/18			
Henry Corporate Surety Bond 03/06/2018 Counts:1	#VBE-011366 \$7,500 SURETY BOND RECEIVED BY CLERK			

EVENTS & ORDERS OF THE COURT

02/23/2018	Case Opened as a New Filing
02/23/2018	<u>Appearance Filed</u>
	APPEARANCE For Party: State of Indiana Attorney: Bell, Jeremy Scott Attorney: Bergacs, Joseph John File Stamp: 02/23/2018
02/23/2018	<u>Information Filed</u>
	Filed By: State of Indiana File Stamp: 02/23/2018
02/23/2018	<u>Probable Cause Affidavit Filed</u>
	File Stamp: 02/23/2018
02/23/2018	Initial Hearing (2:30 PM) (Judicial Officer Crane, Kit C. Dean) Result: Commenced and concluded
02/23/2018	Hearing Scheduling Activity Initial Hearing scheduled for 02/23/2018 at 2:30 PM.
02/23/2018	<u>Probable Cause Found: Order Issued</u> (Judicial Officer: Crane, Kit C. Dean) ORDER FOR PROBABLE CAUSE entered. Order Signed: 02/23/2018
02/23/2018	Court Sets Bond Bond set at \$7,500 Surety plus \$750 Cash Party: Herran, Darlene K
02/24/2018	Automated Paper Notice Issued to Parties Hearing Scheduling Activity --- 2/23/2018 : Darlene K Herran Probable Cause Found: Order Issued --- 2/23/2018 : Darlene K Herran
02/24/2018	Automated ENNotice Issued to Parties Hearing Scheduling Activity — 2/23/2018 : Henry County Probation Dept - Adult;Joseph John Bergacs;Jeremy Scott Bell Probable Cause Found: Order Issued — 2/23/2018 : Henry County Probation Dept - Adult;Joseph John Bergacs;Jeremy Scott Bell
02/27/2018	Hearing Scheduling Activity Pretrial Conference scheduled for 04/26/2018 at 10:15 AM.
02/27/2018	Hearing Scheduling Activity Jury Trial scheduled for 06/11/2018 at 9:00 AM.
02/27/2018	Hearing Journal Entry (Judicial Officer: Crane, Kit C. Dean) INITIAL HEARING called. State appears by Michael Mahoney. Defendant appears in person, pro se. Defendant advised of rights and the nature of the charges. Defendant found indigent; Henry County Public Defender's Office appointed. Not guilty pleas entered. Omnibus date set for 03/22/2018. Pretrial Conference set for 04/26/2018 at 10:15 a.m. and Jury Trial set for 06/11/2018 at 9:00 a.m. Hearing Date: 02/23/2018
02/27/2018	Indigent Counsel Appointed at County Expense Henry County Public Defender's Office appointed.
02/27/2018	<u>Order on Initial Hearing</u> (Judicial Officer: Crane, Kit C. Dean) Order Signed: 02/23/2018
02/28/2018	Automated ENNotice Issued to Parties Hearing Scheduling Activity --- 2/27/2018 : Henry County Probation Dept - Adult;Joseph John Bergacs;Jeremy Scott Bell;Sean M. Row Hearing Scheduling Activity --- 2/27/2018 : Henry County Probation Dept - Adult;Joseph John Bergacs;Jeremy Scott Bell;Sean M. Row Order on Initial Hearing — 2/27/2018 : Henry County Probation Dept - Adult;Joseph John Bergacs;Jeremy Scott Bell;Sean M. Row
03/01/2018	<u>Appearance Filed</u> Appearance filed by Sean M. Row. For Party: Herran, Darlene K File Stamp: 03/01/2018
03/01/2018	<u>Motion for Evidence Rule 404(b) Disclosure</u> Defendant's Motion For Additional Disclosures And Discovery And Request For I.R.E. 404(b) and I.R.E. 405 Notice filed. Filed By: Herran, Darlene K File Stamp: 03/01/2018
03/05/2018	<u>Order Issued</u> (Judicial Officer: Crane, Kit C. Dean) ORDER AUTHORIZING ADDITIONAL DISCOVER AND DISCLOSURES FROM THE STATE Order Signed: 02/22/2018
03/05/2018	Clerical Mistake Corrected ENTRY DATED 3/5/2018 SHOULD SAY ORDER SIGNED 3/05/2018 NOT 02/22/2018. (ORDER AUTHORIZING ADDITIONAL DISCOVER AND DISCLOSURES FROM THE STATE)
03/06/2018	Automated ENNotice Issued to Parties Order Issued — 3/5/2018 : Henry County Probation Dept - Adult;Joseph John Bergacs;Jeremy Scott Bell;Sean M. Row
03/06/2018	<u>Cash Bond Entered in Clerk's Office</u>
03/06/2018	<u>Surety Bond Entered in Clerk's Office</u>
03/06/2018	<u>Clerk Administrative Event</u> HENRY COUNTY JAIL RELEASE STATUS filed.
03/07/2018	<u>Clerk Administrative Event</u> Pursuant to IC 35-33-8-3.2(a)(2), Clerk retains Bond Administrative Fee in the amount of \$50.00 from cash bond posted on 3/6/18 leaving a balance of \$700.00.
04/26/2018	Pretrial Conference (10:15 AM) (Judicial Officer Crane, Kit C. Dean) Result: Commenced and concluded
05/06/2018	Hearing Journal Entry State of Indiana appears by Jeremy Bell, Defendant appears in person and by counsel, Sean Row, for 4-26-18 Pre-Trial Conference. Defense counsel indicates the matter is not yet ripe for trial and moves to continue same. The matter is reset for further Pre-Trial Conference on 6-28-18 at 10:15AM with Trial by Jury reset for 7-30-18 at 9:00AM.
05/06/2018	Hearing Scheduling Activity Jury Trial scheduled for 06/11/2018 at 9:00 AM was cancelled. Reason: Other.
05/06/2018	Hearing Scheduling Activity Pretrial Conference scheduled for 06/28/2018 at 10:15 AM.
05/06/2018	Hearing Scheduling Activity Jury Trial scheduled for 07/30/2018 at 9:00 AM.
05/07/2018	Automated ENNotice Issued to Parties Hearing Scheduling Activity --- 5/6/2018 : Henry County Probation Dept - Adult;Joseph John Bergacs;Jeremy Scott Bell;Sean M. Row Hearing Scheduling Activity — 5/6/2018 : Henry County Probation Dept - Adult;Joseph John Bergacs;Jeremy Scott Bell;Sean M. Row Hearing Scheduling Activity — 5/6/2018 : Henry County Probation Dept - Adult;Joseph John Bergacs;Jeremy Scott Bell;Sean M. Row
06/11/2018	CANCELED Jury Trial (9:00 AM) (Judicial Officer Crane, Kit C. Dean)

06/28/2018	Other Pretrial Conference (10:15 AM) (Judicial Officer Crane, Kit C. Dean) Result: Commenced and concluded
07/15/2018	Hearing Journal Entry (Judicial Officer: Crane, Kit C. Dean) <i>State of Indiana appears by Jeremy Bell, Defendant appears in person and by counsel, Sean Row, for 6-28-18 Pre-Trial Conference. Defense counsel indicates the matter is not yet ripe for trial and moves to continue same. The matter is reset for further Pre-Trial Conference on 8-2-18 at 10:15AM with Trial by Jury reset for 9-10-18 at 9:00AM.</i> Hearing Date: 06/28/2018
07/15/2018	Hearing Scheduling Activity <i>Jury Trial scheduled for 07/30/2018 at 9:00 AM was cancelled. Reason: Other.</i>
07/15/2018	Hearing Scheduling Activity <i>Pretrial Conference scheduled for 08/02/2018 at 10:15 AM.</i>
07/15/2018	Hearing Scheduling Activity <i>Jury Trial scheduled for 09/10/2018 at 9:00 AM.</i>
07/16/2018	Automated ENotice Issued to Parties <i>Hearing Scheduling Activity — 7/15/2018 : Henry County Probation Dept - Adult;Joseph John Bergacs;Jeremy Scott Bell;Sean M. Row Hearing Scheduling Activity — 7/15/2018 : Henry County Probation Dept - Adult;Joseph John Bergacs;Jeremy Scott Bell;Sean M. Row Hearing Scheduling Activity — 7/15/2018 : Henry County Probation Dept - Adult;Joseph John Bergacs;Jeremy Scott Bell;Sean M. Row</i>
07/30/2018	CANCELED Jury Trial (9:00 AM) (Judicial Officer Crane, Kit C. Dean) <i>Other</i>
07/30/2018	Motion for Continuance Filed <i>Motion to Continue filed by State of Indiana. Filed By: State of Indiana File Stamp: 07/30/2018</i>
07/30/2018	Hearing Scheduling Activity <i>Pretrial Conference scheduled for 08/02/2018 at 10:15 AM was cancelled. Reason: Other.</i>
07/30/2018	Hearing Scheduling Activity <i>Jury Trial scheduled for 09/10/2018 at 9:00 AM was cancelled. Reason: Other.</i>
07/30/2018	Hearing Scheduling Activity <i>Pretrial Conference scheduled for 09/13/2018 at 10:15 AM.</i>
07/30/2018	Hearing Scheduling Activity <i>Jury Trial scheduled for 10/22/2018 at 9:00 AM.</i>
07/31/2018	Automated ENotice Issued to Parties <i>Hearing Scheduling Activity — 7/30/2018 : Henry County Probation Dept - Adult;Joseph John Bergacs;Jeremy Scott Bell;Sean M. Row Hearing Scheduling Activity — 7/30/2018 : Henry County Probation Dept - Adult;Joseph John Bergacs;Jeremy Scott Bell;Sean M. Row Hearing Scheduling Activity — 7/30/2018 : Henry County Probation Dept - Adult;Joseph John Bergacs;Jeremy Scott Bell;Sean M. Row Hearing Scheduling Activity — 7/30/2018 : Henry County Probation Dept - Adult;Joseph John Bergacs;Jeremy Scott Bell;Sean M. Row</i>
07/31/2018	Order Granting Motion for Continuance (Judicial Officer: Crane, Kit C. Dean) <i>ORDER entered granting Motion to Continue. Pretrial is continued and reset for 09/13/2018 at 10:15 a.m. and Jury Trial is continued and reset for 10/22/2018 at 9:00 a.m. Movant: Bell, Jeremy Scott Order Signed: 07/30/2018</i>
08/01/2018	Automated ENotice Issued to Parties <i>Order Granting Motion for Continuance — 7/31/2018 : Henry County Probation Dept - Adult;Joseph John Bergacs;Jeremy Scott Bell;Sean M. Row</i>
08/02/2018	CANCELED Pretrial Conference (10:15 AM) (Judicial Officer Crane, Kit C. Dean) <i>Other</i>
09/10/2018	CANCELED Jury Trial (9:00 AM) (Judicial Officer Crane, Kit C. Dean) <i>Other</i>
09/13/2018	Pretrial Conference (10:15 AM) (Judicial Officer Crane, Kit C. Dean) Result: Commenced and concluded
09/13/2018	Plea Agreement Filed <i>Plea Agreement Filed By: Herran, Darlene K Filed Stamp: 09/13/2018</i>
09/18/2018	Hearing Journal Entry (Judicial Officer: Crane, Kit C. Dean) <i>State of Indiana appears by Jeremy Bell, Defendant appears in person and by counsel, Sean Row, for 9-13-18 Pre-Trial Conference. Defense counsel indicates to the Court that an agreement has been reached and will be tendering same. At Defendant's request, the Court vacates Trial by Jury date and sets the matter for a change of plea and sentencing hearing for 10-25-18 at 9:00AM. The Probation Department shall prepare and file a Pre-Sentence Investigation Report prior to Sentencing. Hearing Date: 09/13/2018</i>
09/18/2018	Hearing Scheduling Activity <i>Jury Trial scheduled for 10/22/2018 at 9:00 AM was cancelled. Reason: Agreed Resolution.</i>
09/18/2018	Hearing Scheduling Activity <i>Sentencing Hearing scheduled for 10/25/2018 at 9:00 AM.</i>
09/19/2018	Automated ENotice Issued to Parties <i>Hearing Scheduling Activity — 9/18/2018 : Henry County Probation Dept - Adult;Joseph John Bergacs;Jeremy Scott Bell;Sean M. Row Hearing Scheduling Activity — 9/18/2018 : Henry County Probation Dept - Adult;Joseph John Bergacs;Jeremy Scott Bell;Sean M. Row</i>
09/20/2018	Order Issued (Judicial Officer: Crane, Kit C. Dean) <i>ORDER ON PLEA AGREEMENT SUBMISSION entered. Parties tender plea agreement. Future hearing dates are vacated at Defendant's request. Probation shall prepare and file PSI Report. Defendant to report to Probation Department on 9/25/18 @ 10:00 AM. Sentencing is set for 10/25/2018 at 9:00 a.m. Copy to Probation, Prosecutor and counsel. Order Signed: 09/18/2018</i>
09/21/2018	Automated ENotice Issued to Parties <i>Order Issued — 9/20/2018 : Henry County Probation Dept - Adult;Joseph John Bergacs;Jeremy Scott Bell;Sean M. Row</i>
10/02/2018	Notice of Exclusion of Confidential Information <i>Administrative Rule 9 (G)(5) Notice of Exclusion of Confidential Information from Public Access Filed By: Henry County Probation Dept - Adult File Stamp: 10/02/2018</i>
10/02/2018	Pre-Sentence Investigation Report Filed <i>Pre-Sentence Investigation Report Filed By: Henry County Probation Dept - Adult File Stamp: 10/02/2018</i>
10/22/2018	CANCELED Jury Trial (9:00 AM) (Judicial Officer Crane, Kit C. Dean)

10/23/2018	<u>Agreed Resolution</u> <u>Motion for Continuance Filed</u> <i>Motion For Continuance Of Sentencing Hearing filed by Defendant, by Counsel.</i> Filed By: Herran, Darlene K File Stamp: 10/23/2018
10/24/2018	<u>Hearing Scheduling Activity</u> <i>Sentencing Hearing scheduled for 10/25/2018 at 9:00 AM was cancelled. Reason: Other.</i>
10/24/2018	<u>Hearing Scheduling Activity</u> <i>Sentencing Hearing scheduled for 11/29/2018 at 9:45 AM.</i>
10/24/2018	<u>Order Granting Motion for Continuance</u> (Judicial Officer: Crane, Kit C. Dean) <i>ORDER ON MOTION FOR CONTINUANCE entered. Motion granted. Sentencing hearing is continued and reset for 11/29/2018 at 9:45 a.m.</i> Movant: Herran, Darlene K Order Signed: 10/24/2018
10/25/2018	<u>CANCELED Sentencing Hearing</u> (9:00 AM) (Judicial Officer Crane, Kit C. Dean) <i>Other</i>
10/25/2018	<u>Automated ENNotice Issued to Parties</u> <i>Hearing Scheduling Activity — 10/24/2018 : Henry County Probation Dept - Adult;Joseph John Bergacs;Jeremy Scott Bell;Sean M. Row Hearing Scheduling Activity — 10/24/2018 : Henry County Probation Dept - Adult;Joseph John Bergacs;Jeremy Scott Bell;Sean M. Row Order Granting Motion for Continuance — 10/24/2018 : Henry County Probation Dept - Adult;Joseph John Bergacs;Jeremy Scott Bell;Sean M. Row</i>
11/29/2018	<u>Sentencing Hearing</u> (9:45 AM) (Judicial Officer Crane, Kit C. Dean) Result: Commenced and concluded
11/29/2018	<u>Judgment</u> (Judicial Officer: Crane, Kit C. Dean) 1. 9-30-10-17(a)(1)/F5: Operate Mtr Veh After Forfeiture of License for Life Def. operates vehicle aft Plea by Agreement
11/29/2018	<u>Sentenced</u> (Judicial Officer: Crane, Kit C. Dean) 1. 9-30-10-17(a)(1)/F5: Operate Mtr Veh After Forfeiture of License for Life Def. operates vehicle aft Comment (Pursuant to the terms of the Plea Agreement, the Defendant moved to withdraw her prior plea of not guilty and entered a plea of guilty to Count 1, Operating a Motor Vehicle After Forfeiture of License for Life, Level 5 Felony. On Count 1, Defendant is sentenced to the Indiana Department of Correction as a Direct Commitment to Henry County Community Corrections on Home Detention for a period of five (5) years of which two (2) years are suspended and the Defendant is placed on Formal Probation for two (2) years. Defendant is entitled to credit for eleven (11) actual days served in jail and three point six seven (3.67) good time credit days. Defendant is to be hooked up on home detention no later than December 3, 2019 at 3:00 p.m. By oral motion the State of Indiana moved to dismiss 33C03-1707-CM-000692. Defendant is assessed Court Costs of \$185.00. After deduction of Clerk Administration Fee, cash bond balance of \$700.00 in 33C02-1802-F5-000009 is ordered released and applied at follows: \$185.00 to Court Costs and \$785.00 to Henry County Community Corrections. Cash bond balance of \$270.00 in 33C03-1707-CM-000692 is ordered released and applied to Henry County Community Corrections in 33C02-1802-F5-000009. Defendant may request modification of placement after serving 401 actual days. At the conclusion of hearing, Sean Row, Pauper Counsel is withdrawn.) Confinement to Commerce 11/29/2018 Indiana Department of Correction Term: 5 Yr Jail Credit: 14 Days Suspended: 2 Yr Comment: On Count 1, Defendant is sentenced to the Indiana Department of Correction as a Direct Commitment to Henry County Community Corrections on Home Detention for a period of five (5) years of which two (2) years are suspended and the Defendant is placed on Formal Probation for two (2) years. Defendant is entitled to credit for eleven (11) actual days served in jail and three point six seven (3.67) good time credit days. Defendant is to be hooked up on home detention no later than December 3, 2019 at 3:00 p.m. Condition - Adult: 1. Home Detention, 11/29/2018, Active 11/29/2018 Condition - Adult: 1. Probation, 11/29/2018, Active 11/29/2018
12/07/2018	<u>Correspondence to/from Court Filed</u> <i>Correspondence received from Darlene Herran and forwarded to the Court.</i> Filed By: Herran, Darlene K File Stamp: 12/07/2018
12/14/2018	<u>Hearing Journal Entry</u> (Judicial Officer: Crane, Kit C. Dean) <i>CHANGE OF PLEA AND SENTENCING HEARING called before Judge Kit C. Dean Crane, in Circuit Court 2. State appears by Deputy Prosecutor, Jeremy Bell; Defendant, Darlene Herran, appears in person and by Counsel, Sean Row. Probation appears by Amy Bell. CHANGE OF PLEA AND SENTENCING HEARING held. Hearing Date: 11/29/2018</i>
12/14/2018	<u>Order for Home Detention</u> (Judicial Officer: Crane, Kit C. Dean) <i>HOME DETENTION ORDER AND AGREEMENT Order Signed: 11/29/2018</i>
12/14/2018	<u>Conditions of Probation</u> <i>PROBATION ORDER AND AGREEMENT Order Signed: 11/29/2018</i>
12/14/2018	<u>ZNT - An Electronic SR16 has been sent to the BMV</u> <i>Ticket Substitute SR16 sent to BMV for Charge 1 for Statute 9-30-10-17(a)(1)</i>
12/15/2018	<u>Automated Paper Notice Issued to Parties</u> <i>Hearing Journal Entry — 12/14/2018 : Darlene K Herran Order for Home Detention — 12/14/2018 : Darlene K Herran</i>
12/15/2018	<u>Automated ENNotice Issued to Parties</u> <i>Hearing Journal Entry — 12/14/2018 : Henry County Probation Dept - Adult;Joseph John Bergacs;Jeremy Scott Bell Order for Home Detention — 12/14/2018 : Henry County Probation Dept - Adult;Joseph John Bergacs;Jeremy Scott Bell</i>
12/18/2018	<u>Motion Filed</u> <i>Motion to Allow Defendant to Live with Spouse filed. Filed By: Herran, Darlene K File Stamp: 12/18/2018</i>
12/18/2018	<u>Appearance Filed</u> <i>Appearance filed by Dale Arnett on behalf of Defendant. For Party: Herran, Darlene K File Stamp: 12/18/2018</i>
12/19/2018	<u>Administrative Event</u>

	<i>The Court having reviewed the Defendant's 12/07/2018 correspondence, hereby denies same.</i> File Stamp: 12/18/2018
12/20/2018	Automated ENotice Issued to Parties <i>Administrative Event — 12/19/2018 : Henry County Probation Dept - Adult;Joseph John Bergacs;Jeremy Scott Bell;Dale W Arnett</i>
12/20/2018	Order Issued (Judicial Officer: Crane, Kit C. Dean) JUDGMENT OF CONVICTION AND SENTENCING ORDER Order Signed: 11/29/2018
12/20/2018	Clerk Releases Bond Per Order
12/20/2018	Administrative Event <i>The Court, having reviewed the Defendant's 12/18/2018 Motion to Allow Defendant to Live with Spouse, hereby denies same.</i> Filed By: Herran, Darlene K File Stamp: 12/20/2018
12/21/2018	Automated ENotice Issued to Parties <i>Order Issued — 12/20/2018 : Henry County Probation Dept - Adult;Joseph John Bergacs;Jeremy Scott Bell;Dale W Arnett</i> <i>Administrative Event — 12/20/2018 : Henry County Probation Dept - Adult;Joseph John Bergacs;Jeremy Scott Bell;Dale W Arnett</i>
01/02/2019	Clerk Administrative Event <i>Copy of Notice of Appeal received from Attorney Dale Arnett on behalf of Darlene Herran.</i>
01/03/2019	Notice of Appeal Received <i>Notice of Appeal filed with the Court of Appeals on 12/31/18 by attorney Dale Arnett on behalf of Darlene Herran. Appellate cause #18A-CR-3131 assigned.</i> File Stamp: 12/31/2018
01/24/2019	Notice of Completion of Clerk's Record <i>Transcript not yet completed. Notice issued to Attorney Dale Arnett, Henry County Prosecutor, Attorney General and Court of Appeals Clerk.</i>
01/25/2019	Order Issued (Judicial Officer: Crane, Kit C. Dean) ORDER TO PAY TRANSCRIPTION COSTS Order Signed: 01/25/2019
01/26/2019	Automated ENotice Issued to Parties <i>Order Issued — 1/25/2019 : Henry County Probation Dept - Adult;Joseph John Bergacs;Jeremy Scott Bell;Dale W Arnett</i>
01/31/2019	Motion to Correct Error Filed <i>Motion to Correct Errors filed by Defendant, by Counsel.</i> Filed By: Herran, Darlene K File Stamp: 01/31/2019
02/01/2019	Notice of Transcript Filed <i>Transcript Filed with the Clerk of Henry County Circuit 2 by Court Reporter, Penny Marcum. Notice of Filing of Transcript filed.</i>
02/01/2019	Notice of Completion of Transcript Filed <i>Notice issued to Attorney Dale Arnett; Henry County Prosecutor; Attorney General and Court of Appeals.</i>

FINANCIAL INFORMATION

Defendant Herran, Darlene K		
Total Financial Assessment		1,020.00
Total Payments and Credits		1,020.00
Balance Due as of 02/11/2019		0.00
03/07/2018	Transaction Assessment	50.00
12/20/2018	Transaction Assessment	185.00
12/20/2018	Transaction Assessment	785.00

Please note that any Balance Due does not reflect interest that has accrued since the last payment.

HOME DETENTION ORDER AND AGREEMENT

FILED

HENRY CIRCUIT COURT 2STATE OF INDIANA
COUNTY OF HENRY
STATE OF INDIANA
VS

NOV 29 2018

Darkene K. Herran Debra G Walker CASE NO.: 33C02-1802-F5-000009
 ADDRESS: 304 N. 12th St. CLERK HENRY CIRCUIT COURT NO. 8 TELEPHONE: 765-524-3642
New Castle, IN 47362
 ATTORNEY: Sean Row
 OFFENSE: Operating a Vehicle after Forfeiture of License for Life, Level 5 Felony

DURATION OF HOME DETENTION: 812 Actual days days, which shall commence on or before 12/3/18 @ 3:00pm
20

An intake appointment must be made to be hooked up and can be done so by calling 765-593-0425, extension 228. The defendant will be hooked up through Henry County Community Corrections (HCCC) located at 1001 Van Nys Road, New Castle, Indiana.

The defendant (select one)

Shall be placed on formal probation subject to terms of a separate order of Probation entered herewith and that one of the conditions of probation shall be that the Defendant shall be placed in the Henry County Community Corrections Home Detention Program under the conditions shown herein below; or

Shall be placed directly in the Henry County Community Corrections Home Detention Program, without being placed on formal probation, under the conditions shown herein below.

STANDARD CONDITIONS

- i. You shall ensure compliance with this Court's order on home detention by wearing an electronic non-removable anklet twenty-four (24) hours a day, during the period of detention and in compliance with a written schedule approved by HCCC specifically identifying times you may be absent from your home and locations approved to be during scheduled absences.
- ii. You understand that removal of or tampering with equipment and/or the relocating of such equipment to another residence will result in a revocation of your participation in the Home Detention program and may be deemed by the Court as a violation of your conditions of probation or other sentencing order and result in your being charged with Escape under I.C. 35-44-3.5
- iii. During the period of home detention, you shall be at no place other than:
 - a. your home, currently located at: 304 N. 12th St, New Castle
 - b. your place of employment _____ located at: _____ Phone: _____
 - c. undergoing medical, psychiatric, mental health treatment, counseling or other treatment programs approved by the Court or HCCC. Any change of address must be approved by HCCC prior to moving and will be charged a \$75.00 moving fee.
 - d. in the event you are unemployed, you shall seek, obtain and maintain gainful employment or pursue a course of study that would equip you for such employment as directed by HCCC.
- iv. You must provide a working telephone number to maintain communication while on home detention. Upon being called by HCCC staff, you have 15 minutes to return said phone call. You shall permit voice and text responses to calls to be recorded as a permanent record for use of any subsequent court proceedings.
- v. You must provide a list of all persons residing at the residence. No person convicted of a felony will be allowed to live at or visit your residence. No person may move into the residence during your time on home detention without prior approval from HCCC. All persons living in the home are subject to the same terms as you regarding searches, drugs/alcohol/CBD and visitors.
- vi. You must immediately notify your case manager of any change in employment status, employer, work location, immediate supervisor, days worked, hours worked and work telephone number. In addition, you agree to submit a copy of your pay stub at the end of each pay period.
- vii. Your locations and movement will be electronically monitored at all times by means of a non-removable transmitter worn on the ankle and/or a receiver installed in your residence connected to the telephone line and by any other monitoring equipment utilized by HCCC.
- viii. During the period of detention, you shall permit HCCC field officers to visit with you at your home or place of employment. In addition, you shall waive your right to search and seizure and allow HCCC or any law enforcement officer acting on behalf of the HCCC to search the household/property in which you reside, vehicle, any vehicle you may occupy and job site area to insure compliance with supervision. Your refusal to allow access to may result in a violation of the program rules and termination from the program.
- ix. You are not, under any circumstances, to purchase, possess, consume, or use any alcoholic beverage, intoxicating liquor, marijuana, drug or controlled substance of any kind unless legally prescribed for you by a licensed physician. You shall not purchase, possess or consume Cannibidol (CBD) products while on home detention. You shall take all medications as prescribed and provide all medications for a count upon request of HCCC.
- x. You shall submit to alcohol and drug testing when requested by HCCC, Probation officer or any Law Enforcement Officer. Costs of said tests are the responsibility of the client.
 - a. Upon notification of HCCC staff, you have one hour to report to a place so ordered by said staff to submit yourself to any intoxilyzer or chemical test.

- b. Failure to provide an adequate sample within one (1) hour after being requested to do so shall result in the defendant being considered to have given a refusal.
- c. Providing a dilute or adulterated specimen may be considered a violation
- d. The Court shall presume that the written results of a drug test performed on the client by a certified laboratory are admissible without the necessity of calling a representative of the testing laboratory in a home detention revocation hearing. This presumption is rebuttable. However, it shall be the duty of, and at the expense of, the party challenging the test results to produce evidence to attempt to rebut the presumption.
- e. The defendant shall provide to HCCC a list of currently legally prescribed medications validated by a doctor's prescription upon intake. The defendant is required to take prescribed medications as noted on the prescription. Any new prescriptions will be submitted to HCCC within 24 hours. Failure to submit prescribed medications does not negate a positive screen.

1. You shall agree to report to HCCC office or designated as directed to participate in case management meetings, programs, appointments, assessments, or evaluations.
2. You shall not have access to or possess any dangerous or deadly weapons, such as firearms, aerosol repellent, knives of unreasonable length, throwing stars, switchblades, butterfly knives, boot knives, pellet/bb guns, etc.
3. No more than two adults are permitted to visit the residence at any time. You are responsible for any individual's actions at your residence.
4. You shall not violate any town, city, county, state or federal laws and ordinances. You will notify HCCC immediately of any contact with law enforcement of a new arrest.
5. You shall not leave the state of Indiana without first applying for and receiving a written travel permit from HCCC.

SPECIAL CONDITIONS

You are responsible for signing any releases of information required by any service provider. You are to provide verification to Henry County Community Corrections that you are in compliance with your required special conditions.

6. Obtain a substance abuse evaluation, *at the discretion of your HCCC case manager*, from a certified treatment provider within 30 days and follow all recommendations. Any form of Medication Assisted Treatment (MAT) must be approved by HCCC and/or the Court following the receipt of a valid prescription provided by a certified provider. If MAT is approved, a medication count must be provided to HCCC upon request. Proof of full compliance with all therapy required by the approved MAT plan must be provided to HCCC.
7. Submit to psychological, anger management, and/or domestic violence assessment/evaluation, at the discretion of your HCCC case manager, from a certified treatment provider and follow all recommendations.
8. Home detention may be transferred to _____ if approved by both sending and receiving agencies/states.
9. You shall comply with the following special terms or conditions: _____

FINANCIAL OBLIGATIONS

Completion of payments shall be made 14 days prior to release from home detention. All payments shall be paid by cash, money order, certified check, or debit/credit card.

The following fees are paid through Henry County Community Corrections:		
Intake/Hook up Fee: \$75.00 Due at intake	Daily Monitoring Fee: \$15.00 Paid each calendar week for the duration of home detention	Transfer fee: \$75.00 Due upon approval to transfer home detention
Rapid Urine Screen: \$7.00 To be paid at time of screen	Laboratory Urine Screen: \$40.00 To be paid at time lab results are received.	Damaged/lost equipment fee: \$1500.00/monitor Damaged/lost charger fee: \$25.00/charger To be paid at time damage/loss is assessed

In the event any of these terms or conditions are violated during the home detention period, a petition to revoke your home detention may be filed. The Court may order a summons to be issued for you to appear or may issue a warrant for your arrest. If the Court finds you have violated a condition of your home detention, it may impose one or more of the following:

- (1) Continue you on home detention, with or without modifying or enlarging the terms or conditions.
- (2) Terminate your home detention and impose alternate sentencing.
- (3) Order execution of any sentence that was suspended at the time of your original sentencing.

ALL OF WHICH IS ORDERED THIS 29 DAY OF November, 2018.


Bob A. Witham, Judge, Henry Circuit Court 1
Kit C. Dean Crane, Judge Henry Circuit Court 2
David L. McCord, Judge, Henry Circuit Court 3

I have read the above terms and conditions of home detention and had those terms and conditions fully explained to me. I have received a copy of said terms. I agree to comply with all terms and conditions specified. In so agreeing, I fully understand that any failure to comply may result in a violation being filed with the Sentencing Court.

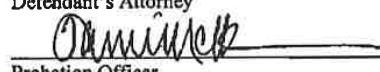
Date: 11/29/18


Defendant

Date: 11/29/18


Defendant's Attorney

Date: 11/29/18


Probation Officer

STATE OF INDIANA) IN THE HENRY CIRCUIT COURT 2
COUNTY OF HENRY)
) CASE NO: 33C02-1802-F5-000009

STATE OF INDIANA

F I L E D

V.
DARLENE K. HERRAN
DOB 05/26/1966

06/13/2019
CLERK HENRY CIRCUIT COURT NO. 2
PM

ORDER ON FINAL HEARING ON PETITION TO REVOKE HOME DETENTION

The State appears by Chief Deputy Prosecuting Attorney, Richard Culver; Defendant, Darlene Herran, appears in person and by counsel, Peter Capofari and the Probation Department appears by Officer Michael Ashby for Final Hearing on Petition to Revoke Home Detention. The Court FINDS and ORDERS as follows:

1. Pursuant to agreement of the parties, the Defendant moved to withdraw her prior denial and entered an admission to violating terms of Henry County Community Corrections as alleged in the Petition to Revoke Direct Commitment to Henry County Community Corrections on Home Detention filed on February 12, 2019.
2. Factual basis is established.
3. Court accepts admission and adjudicates the Defendant as having violated terms of Henry County Community Corrections as alleged.
4. Court orders two (2) years of the Defendant's sentence to be served at the Indiana Department of Correction.
5. Defendant is entitled to credit for one hundred ninety-one (191) actual days served in jail and/or on home detention December 4, 2018 through June 12, 2019 and sixty-four (64) good time credit days.
6. Balance of home detention is terminated as unsuccessful.
7. Two (2) years of the Defendant's sentence suspended to Formal Probation is terminated as unsuccessful.
8. Defendant is remanded to the custody of the Sheriff for execution of her sentence.
9. At the conclusion of hearing, Sorrell & Associates, Pauper Counsel is withdrawn.

So ordered on this the 13th day of June, 2019.

Kit C. Dean Crane

KC

Kit C. Dean Crane, Judge
Henry Circuit Court 2

DISTRIBUTION:

RICHARD CULVER, CHIEF DEPUTY PROSECUTOR
SORRELL & ASSOCIATES, DEFENSE COUNSEL
HENRY COUNTY COMMUNITY CORRECTIONS
HENRY COUNTY JAIL
INDIANA DEPARTMENT OF CORRECTION
DARLEEN HERRAN, DEFENDANT



Offender Data

DARLENE K HERRAN

DOC Number 122119
First Name DARLENE
Middle Name K
Last Name HERRAN
Suffix
Date of Birth 05/26/1966
Gender Female
Race White
Facility/Location New Castle Parole District
Earliest Possible Release Date * 02/20/2020
*Offenders scheduled for release on a Monday, Tuesday or Wednesday are released on Monday. Offenders scheduled for release on a Thursday, Friday, Saturday or Sunday are released on Thursday. Offenders whose release date falls on a Holiday are released on the first working day prior to the Holiday.



Indiana SAVIN: [Click Here to register for notification on any changes to this offender's custody status.](#)

Sentence Information

Date of Sentence 06/13/2019
Description OPERATE VEHICLE AFTER SUSPENDED FOR LIFE
Term in Years / Months / Days 02 00 00000
Type of Conviction F5
Indiana Citation Code 9-30-10-17
Cause Number 33C02-1802-F5-000009
County of Conviction HENRY
Projected Release Date 02/20/2020

Sentence Information

Date of Sentence	01/04/2002		
Description	OPERATING VEHICLE-HABIT TRAFFIC VIOLATOR		
Term in Years / Months / Days	00	05	00029
Type of Conviction	FD		
Indiana Citation Code	9-30-10-16		
Cause Number	89D03-0105-DF-060		
County of Conviction	WAYNE		
Projected Release Date	04/03/2002		

Sentence Information

Date of Sentence	01/04/2002		
Description	OPER VEHICLE WHILE INTOX-PREV CONVICTION		
Term in Years / Months / Days	00	05	00029
Type of Conviction	FD		
Indiana Citation Code	9-30-5-3		
Cause Number	89D03-0105-DF-060		
County of Conviction	WAYNE		
Projected Release Date	04/03/2002		

Sentence Information

Date of Sentence	01/04/2002		
Description	DRIVING WHILE SUSPENDED		
Term in Years / Months / Days	00	05	00029
Type of Conviction	MA		
Indiana Citation Code	9-1-4-52		
Cause Number	89D03-0105-DF-060		
County of Conviction	WAYNE		

Projected Release Date

04/03/2002

Comments

Please note that offenses appearing on this record with the same cause numbers multiple times do not reflect multiple convictions for those offenses. They represent re-commitment to the Department of Correction for violations of probation or community correction.

This database was last updated 03/09/2020

Data Descriptions

DOC Number

DOC Number refers to the identification number given to each Indiana offender upon incarceration.

Description

"Offense" refers to the crimes for which the offender is, or was most recently, incarcerated. "ATT" indicates "attempted;" "CON" indicates "conspiracy to commit;" and "AID" indicates "Aiding". Duplicate entries indicate additional counts of the same crime.

County of Conviction

"Committing County" is the county in which the offender was sentenced.

Date of Sentence

"Date of Sentence" is the date in which the sentence was issued by the court.

Any person, agency or entity, public or private, who reuses, publishes or communicates the information available from this server shall be solely liable and responsible for any claim or cause of action based upon or alleging an improper or inaccurate disclosure arising from such reuse, re-publication or communication, including but not limited to actions for defamation and invasion of privacy.

All complaints regarding the accuracy of information contained in these documents should be submitted, in writing, to the:

Indiana Department of Correction
302 West Washington Street
IGCS, Room E334
Indianapolis, IN 46204