



**STATE OF INDIANA  
COUNTY OF MARION  
SENTENCING ORDER**

<b>Case Name</b> State of Indiana v. Aung Aung		<b>Case Number</b> 49D21-2109-F1-027246	<b>Court</b> Marion Superior Court 21	
<b>Judicial Officer</b> Osborn, James B.		<b>Prosecutor</b> Alyssa Renee Hoogewerf		<b>Defense Attorney</b> Lucy Margaret Frick
<b>Date of Offense</b> 08/28/2021	<b>Date of Sentencing</b> 03/22/2024	<b>TCN Number</b>		<b>Gallery Number</b> 00000828804

**The Defendant was charged with the following crimes, resulting in the following Dispositions under the above-referenced cause:**

PART I	CHARGES			
COUNT	CRIME	GOC	STATUTORY CITATION	DISPOSITION
I	35-42-1-1(1)/F1: Attempted Murder Attempted intentional killing of another.		35-42-1-1(1)	Finding of Guilty
II	35-42-2-2(a)/F5: Criminal Recklessness def. shoots a firearm into a building.		35-42-2-2(a)	Finding of Not Guilty
III	35-47-2-1/MA: Carrying a Handgun Without a License		35-47-2-1	Finding of Guilty

**As a result of the above convictions, the Court has sentenced the defendant as follows:**

PART II	SENTENCE				
COUNT	SENTENCE	SUSPENDED	CONCURRENT	CONSECUTIVE	WITH (COUNT OR CASE NUMBERS)
I	25 Year(s) and 0 Day(s)	3 Year(s) and 0 Day(s)	X	X	COUNT 3 49D212104CM012893
III	0 Year(s) and 365 Day(s)	0 Year(s) and 0 Day(s)	X		COUNT 1

COUNT	CONFINEMENT TYPE	CONFINEMENT COMMENTS
I	Indiana Department of Correction	SPLIT SENTENCE- 20 YEARS DOC FOLLOWED BY 2 YEARS MCCC. DEF SHALL COMPLETE MENTAL HEALTH EVALUATION AND TREATMENT WHILE IN DOC AND MCCC.
III	Indiana Department of Correction	

**The Defendant is to serve this sentence at: Indiana Department of Corrections**

If the Defendant is being sentenced to the Indiana Department of Correction as a Level 6 offender, the following statutory criteria 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]

PART III	CREDIT TIME CALCULATION
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TYPE	NUMBER OF ACTUAL DAYS CONFINED	CREDIT DAYS EARNED
Incarceration (All Credit Days apply to Case Number 49D21-2109-F1-027246)	934	311

PART IV	SENTENCING CONDITIONS				
CONDITION	DURATION	LOCATION	AMOUNT/COMMENT	EFFECTIVE	END
Community Corrections			2 YEARS HOME DETENTION, MHET AND SAET DEF ATTEND THINKING FOR A CHANGE. SLIDING SCALE FOR FEES.	03/22/2024	
Home Detention				03/22/2024	
Probation			2 YEARS STANDARD PROBATION. 1 YEAR REPORTING 1 YEAR KIOSK IF NO VIOLATION WHILE 1 YEAR OF REPORTING PROBATION. SLIDING SCALE FOR FEES. SAET AND MHET.	03/22/2024	
Substance Abuse Evaluation				03/22/2024	
Abstract: Mental Health Concerns				03/22/2024	

The Court is assessing Court Costs and Fees in the amount of \$0.00 and a Monetary Award (if applicable) in the amount of . The authority for this Order and the breakdown of the costs and fees are as follows and are found in Indiana Code, Sections 33-37-4-1, -4 and 33-37-5-19.

PART V	MONETARY OBLIGATIONS	
<b>Court Costs and Fees</b>		
		\$0.00
	Total:	\$0.00
<b>Restitution</b>		
In the Amount of .		
Awarded To:	Awarded Against:	Payable Through <input type="checkbox"/> Marion County Clerk <input type="checkbox"/> Marion County Probation
Comments:		

PART VI	ADDITIONAL SENTENCING INFORMATION
Date to Report for Incarceration 03/22/2024	Additional Comments and Orders

Osborn, James B., Judicial Officer  
Marion Superior Court 21

3/22/2024

Date

STATE OF INDIANA ) IN THE MARION SUPERIOR COURT 21  
)  
COUNTY OF MARION ) CASE NUMBER: 49D21-2109-F1-027246

STATE OF INDIANA

V.

AUNG AUNG

Defendant Address: 7730 Hackberry Ct Indianapolis IN 46227 Phone: \_\_\_\_\_

**ORDER ON STANDARD CONDITIONS OF HOME DETENTION  
Marion Superior Court 21**

Defendant Aung Aung

Convicted of

35-42-1-1(1)/F1: Attempted Murder Attempted intentional killing of another.

35-42-2-2(a)/F5: Criminal Recklessness def. shoots a firearm into a building.

35-47-2-1/MA: Carrying a Handgun Without a License

Length of Sentence 25 Year(s) and 0 Day(s); 0 Year(s) and 365 Day(s)

Executed Time 2 Year(s) and 0 Day(s); 0 Year(s) and 365 Day(s)

Suspended Time 3 Year(s) and 0 Day(s); 0 Year(s) and 0 Day(s)

Length of Probation 2 YEARS

**You Shall:**

1. be confined to your home at all times except when you are:
  - a. working at employment approved by the court or traveling to or from approved employment;
  - b. unemployed and seeking employment approved for you by the court;
  - c. undergoing medical, psychiatric, mental health treatment, counseling, or other treatment programs approved for you by the court;
  - d. attending an educational institution or a program approved for you by the court;
  - e. attending a regularly scheduled religious service at a place of worship;
  - f. participating in a community work release or community restitution or service program approved for you by the court; or
  - g. participating in any other activity approved for the offender by the court.
2. be subject to prosecution for the crime of escape under IC 35-44-3-5 if you violate the order for home detention.
3. abide by a schedule prepared by the probation department, or by a community corrections program ordered to provide supervision of your home detention, specifically setting forth the times when you may be absent from your home and the locations you are allowed to be during the scheduled absences.
4. not commit a criminal offense during the period of home detention ordered by the court.
5. obtain approval from the probation department or from a community corrections program ordered to provide supervision of your home detention before you change residence or the schedule described in subdivision (3).
6. maintain:
  - a. a working telephone, cellular telephone, or other wireless or cellular communications device in your home; and
  - b. if ordered by the court, a monitoring device in your home or on your person, or both.
7. pay a home detention fee set by the court in addition to the probation user's fee required under IC 35-38-2-1 or IC 31-40. However, the fee set under this subdivision may not exceed the maximum fee specified by the department of correction under IC 11-12-2-12.
8. abide by other conditions of probation set by the court under IC 35-38-2-2.3.
9. be required:
  - a. if convicted of an offense described in IC 10-13-6-10;

- b. if you have not previously provided a DNA sample in accordance with IC 10-13-6; and
- c. your sentence does not involve a commitment to the department of correction; provide a DNA sample.

**\* GPS as required by law (I.C. 35-38-2.5) on violent offenders. The Marion County Prosecutor's Office must provide addresses to be protected to Community Corrections at the time of Sentencing.**

The defendant is released from custody and is hereby ordered to appear at Community Corrections, 200 E. Washington Suite W-121, by 5:45 p.m. this date or 8:30 a.m. the next business day. Failure to report will result the filing of a Violation with a warrant request.

The defendant is to be held in the Marion County Jail until placement.

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**Date:** \_\_\_\_\_

**Judge:** \_\_\_\_\_

**Defendant:** \_\_\_\_\_