

STATE OF INDIANA  
VIGO SUPERIOR COURT  
DIVISION 3  
2023 TERM

STATE OF INDIANA

-vs-

CAUSE NO. 84D03 2208 MR 2804  
& 84D03 2207 F4 2431

RICHARD DURBIN

**ORDER**

The State of Indiana appears by Chief Deputy Prosecuting. The Defendant appears in person, in custody of the Vigo County Sheriff's Department, and with counsel, Justin E. Long. The parties have heretofore filed with the Court a written Plea Agreement. Defendant advises the Court he has reviewed the pre-sentence investigation report filed herein and the same is substantially accurate. The State of Indiana moves to strike the names of Shane Johnson, Loghan Morris and Jeffrey Recupido on page 2 of the report and the Court grants said request. The Court now accepts the Plea Agreement and Defendant's plea of guilty and finds that judgment of conviction should be entered accordingly.

IT IS THEREFORE ORDERED, ADJUDGED AND DECREED that Defendant Richard Durbin is guilty in Cause Number 84D03 2208 MR 2804 of Count 2 of the Amended Information of Robbery Resulting in Bodily Injury, a Level 3 Felony.

IT IS FURTHER ORDERED, ADJUDGED AND DECREED that all remaining Counts in Cause Number 84D03 2208 MR 2804 and all charges in Cause Number 84D03 2207 F4 2431 are dismissed pursuant to the terms of the Plea Agreement.

This matter comes before the Court for sentencing hearing. Witnesses are sworn and evidence is presented. The Court orders the victim impact statements submitted by the State of Indiana be made a part of the pre-sentence investigation report. Defendant makes a statement of allocution. The Court hears argument of counsel. The Court having heard the same and being duly advised in the premises, now finds that Defendant's criminal history and that he was on probation at the time the incident occurred are aggravating factors. The Court finds that Defendant's decision to plead guilty and testify for the State of Indiana in his co-defendant's cases are mitigating circumstances, although the Court does not give much weight to those in determining sentence herein.

IT IS FURTHER ORDERED, ADJUDGED AND DECREED that in Cause Number 84D03 2208 MR 2804 Defendant Durbin be committed to the Indiana

Department of Correction for an executed term of sixteen (16) years upon the offense in Count 2 of the Amended Information of Robbery Resulting in Bodily Injury, a Level 3 Felony. The Court order that ten (10) years of the sentence shall be executed and orders execution of the balance of the sentence suspended. The Court finds Defendant is entitled to credit for time heretofore served in the Vigo County Jail awaiting disposition of this matter from July 4, 2022 through and including July 8, 2022 for a period of five (5) actual days, together with earned credit time of two (2) days; and from August 6, 2022 through and including July 18, 2024 for a period of seven hundred thirteen (713) actual days, together with earned credit time of two hundred thirty-eight (238) days; for a total credit of nine hundred fifty-eight (958) days.

Upon completion of service of the executed portion of the sentence, Defendant shall be placed on formal probation under the supervision of the Adult Probation Department for the balance of the sentence of six (6) years. Defendant is ordered to pay all probation user fees as determined by the Adult Probation Department. A copy of the standard terms of probation are attached hereto and incorporated herein by reference.

Defendant has waived his Constitutional rights under the Fourth Amendment to the United States Constitution and Article 1, §11 of the Indiana Constitution with regard to searches of his person, vehicle, residence, cellular telephone(s), computer(s) and/or other electronic storage or communication devices as outlined in the Plea Agreement.

Defendant has acknowledged this conviction qualifies him as a serious violent felon pursuant to Indiana law, and he loses any and all rights to possess any firearm.

As a result of this felony conviction, the Defendant must provide a DNA sample pursuant to I.C. 10-13-6-10(a)(3) and as a condition of probation. Defendant is ordered to appear and provide a DNA sample at the Vigo County Jail within seven (7) days, if he has not previously done so.

Defendant has agreed to fully cooperate and testify truthfully in the following cases:

State of Indiana v. Candace Jones - 84D03 2208 MR 2742  
State of Indiana v. Dwight Brown - 84D06 2208 MR 2805  
State of Indiana v. Jesse Hess - 84D06 2208 MR 2816

as set forth in the Plea Agreement entered into by the parties and approved by the Court.

The Court advises Defendant of his right to appeal the Court's finding and sentence in this matter and of his right to appointment of counsel to represent him in such an appeal. Defendant indicates he does not wish to appeal this matter and the Court finds Defendant makes a knowing, intelligent and voluntary waiver of his right to appeal in this matter.

The Clerk is directed to prepare the necessary and proper commitment form. The Court orders Defendant receive substance abuse treatment and he obtain his G.E.D. The Court retains jurisdiction to modify Defendant's sentence. If Defendant obtains his G.E.D. and completes substance abuse treatment, the Court will consider modification of the Defendant's sentence.

A fine of One Dollar (\$1.00) and Court costs of One Hundred Eighty-Nine Dollars (\$189.00) are assessed to Defendant. The Court orders that Defendant pay the fine, Court costs and public defender user fee herein within the period of probation herein. Any bond heretofore posted is now cancelled and considered a nullity and upon deduction of the fine, Court costs and public defender user fee herein, any balance shall be refunded to the bonds person. Defendant is remanded to the custody of the Sheriff.

SO ORDERED this 19<sup>th</sup> day of July, 2024.



SARAH K. MULLICAN, Judge

DISTRIBUTION:

Vigo County Prosecutor's Office  
Vigo County Public Defender (Brock E. Dalton & Justin Long)  
Vigo County Adult Probation Department  
Vigo County Community Corrections  
Vigo County Sheriff's Department  
Vigo County Clerk's Office  
Indiana Department of Correction

## CONDITIONS OF PROBATION

1. You shall be placed on probation for a period of \_\_\_\_\_.

Termination Date: \_\_\_\_\_

2. You shall pay the following fines, fees and costs:

3. You shall report to your Probation Officer as directed.

4. You will follow a course of good conduct and behavior and not violate any laws. You must notify your Probation Officer within 48 hours of any contact with Law Enforcement.

5. You will fully cooperate with Adult Probation and allow members of said department to visit in your home during your period of probation.

6. You will notify the Adult Probation Department of any change of residence, phone number or employment within 48 hours.

7. You will not own, possess, purchase, receive, sell or transport any firearms, ammunition, explosive device or any other dangerous weapon unless granted permission by the Court.

8. You will consume alcohol in a lawful manner unless ordered to abstain by the Court or any rehabilitation program.

9. You will not possess or use any controlled substance, except as prescribed by a licensed medical practitioner. This includes all synthetic substances or synthetic equivalents with similar chemical structure and pharmacological effects of marijuana/cannabis, including but not limited to any form of K-2, Spice, CBD oil and/or bath salts.

10. You will submit to a breathalyzer and/or any other type of drug/alcohol screening test as requested by the Court, Vigo County Adult Probation or any alcohol & drug treatment program, at your expense. You acknowledge a positive test for any of the aforementioned substances will be deemed a violation.

11. You will not depart the State of Indiana without permission from the Vigo County Adult Probation Department. If you leave Indiana, with or without permission, you waive extradition and will voluntarily return to Vigo County to appear for court, when so ordered.

12. You shall submit to a DNA sample, if convicted of a felony, as required by IC 10-13-6-10.

13. You agree to abide any additional rules or probation as recommended, including treatment and/or education programs.

14. You shall not act as a confidential informant for the Vigo County Drug Task Force or any other law enforcement agency while under the supervision of the Courts.

**Additional terms and conditions: (only checked ones apply)**

\_\_\_ 15. You agree to make restitution to the victim(s), in the amount of \$\_\_\_\_\_. Payments are made through the Clerk of Vigo County.

\_\_\_ 16. You will have NO CONTACT with the victim(s), as ordered.

\_\_\_ 17. You must complete \_\_\_\_\_ hours of Community Service by \_\_\_\_\_ or within \_\_\_\_\_ days. All Community Service is referred to the Vigo County Community Corrections.

\_\_\_ 18. You agree to enroll in, successfully complete and pay for treatment/counseling as ordered by the Court or Vigo County Adult Probation:  
\_\_\_\_\_ Substance Abuse    \_\_\_\_\_ Mental Health    \_\_\_\_\_ Anger Management  
and/or Domestic Violence

\_\_\_ 19. You must complete \_\_\_\_\_ days/months/years on Home Detention through Vigo County Community Corrections.

\_\_\_ 20. You agree to enroll in and complete a GED program.

\_\_\_ 21. You agree to comply with special conditions as outlined in the Indiana Recommended Special Conditions for Adult Sex Offenders (**attached separately**).

\_\_\_ 22. You agree to abide by other conditions of probation as ordered: \*

**PROBATION ACKNOWLEDGEMENT:**

I, the undersigned, have read and/or had explained to me the aforementioned conditions of my probation and by my signature, so acknowledge all conditions. I further understand that if I violate my probation, a Notice of Probation Violation can be filed before the earlier of the following: (1) One year after the termination of probation or (2) Forty-five days the State receives notice of the violation. **THE ISSUANCE OF A SUMMONS OR WARRANT TOLLS THE PERIOD OF PROBATION UNTIL THE FINAL DETERMINATION OF THE CHARGE.** I agree that if I am arrested on a warrant issued for violation of my probation, I hereby waive my right to contest my extradition to the State of Indiana and this Court. My waiver of extradition cannot be revoked.

\_\_\_\_\_

\_\_\_\_\_ Probationer

\_\_\_\_\_ Probation Officer

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