

STATE OF INDIANA)
COUNTY OF MARION)

IN THE MARION SUPERIOR COURT
CRIMINAL DIVISION, ROOM 3

STATE OF INDIANA)
v.)

FILED

CAUSE NO. 49G03-1501-MR-003303

AUG 09 2016

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GARY THOMPSON

Myla A. Eldridge
CLERK OF THE MARION CIRCUIT COURT

PLEA AGREEMENT

Comes now the defendant, in person and by counsel, and the State of Indiana, and hereby enter into this plea agreement made pursuant to negotiations. The parties agree as follows:

1. This agreement, signed by the defendant, defense counsel, and the deputy prosecuting attorney assigned to the case, shall be introduced into evidence by stipulation of all parties at the time of the guilty plea.

2. Defendant enters into this agreement knowing that the Court has the authority to accept or reject the agreement and understanding that the Court may take the defendant's criminal record into consideration in determining whether to accept or reject this plea agreement.

3. The defendant agrees to **plead guilty to Count III: Conspiracy to Commit Arson, a Class A.**

4. The State agrees to dismiss: **all remaining counts.**

5. At the time of the taking of the guilty plea and again at the time of the defendant's sentencing, the State reserves the right to question witnesses and comment on any evidence presented upon which the Court may rely to determine the sentence to be

imposed; to present testimony or statements from the victim(s) or victim representative(s); and at the time of sentencing, will make the following recommendation as to the sentence to be imposed: **the sentence to be imposed shall be a thirty (30) year sentence to the Indiana Department of Corrections, twenty (20) years of which shall be served executed at IDOC and ten (10) years of which shall be suspended with two (2) years of probation on such terms as this Court shall dictate.**

6. The parties further agree that a factual basis will be taken from the defendant at a change of plea hearing, but that entry of judgment of conviction will be taken under advisement pending resolution of all cases related to the events related to this prosecution. The defendant expressly waives any right he may have to be sentenced within a specified time period and continues to waive any rights pursuant to C.R. 4. (AF7)

7. Defendant hereby waives the right to appeal any sentence imposed by the Court, including the right to seek appellate review of the sentence pursuant to Indiana Appellate Rule 7(B), so long as the Court sentences the defendant within the terms of this plea agreement. (AF7)

8. The defendant acknowledges that the State's recommendation, or agreement to make no recommendation, is based on the defendant's criminal history known to the deputy prosecutor representing the State at the time this agreement is executed. In the event that such information is incomplete, that a further or

more accurate criminal history is discovered prior to the entry of judgment, or the defendant is charged with the commission of another offense prior to sentencing, the State reserves the right to unilaterally withdraw from this agreement at any time prior to the entry of judgment herein (~~187~~).

9. The defendant understands and acknowledges by his initials that if this agreement is accepted by the Court the defendant will give up the following rights:

- 187 (a) the right to a public and speedy trial by jury.
- 187 (b) the right to confront and cross-examine the witnesses against him.
- 187 (c) the right to have compulsory process for obtaining witnesses in his favor.
- 187 (d) the right to require the State to prove his guilt beyond a reasonable doubt.
- 187 (e) the right to remain silent and the right not to be compelled to testify against oneself.
- 187 (f) the right to present evidence on one's own behalf and to be presumed innocent until proven guilty beyond a reasonable doubt.

10. The defendant further acknowledges that entry of a guilty plea pursuant to this agreement constitutes an admission of the truth of all facts alleged in the charge or counts to which the defendant pleads guilty and that entry of the guilty plea will result in a conviction on those charges or counts.

11. The defendant additionally acknowledges satisfaction with defense counsel's representation and competency in this matter (~~187~~) and the defendant believes this agreement to be in the

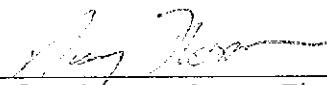
defendant's best interest (AT).

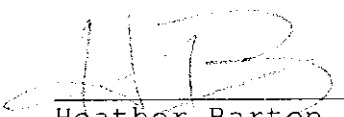
12. The defendant acknowledges that he has a right to pursue post-conviction relief, if there is a legal and factual basis to do so, and that entering a guilty plea herein does not operate as a waiver of that right.

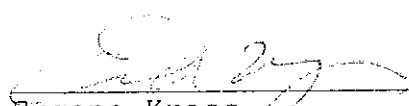
13. The Defendant acknowledges that if he is not a natural born United States Citizen, signing this plea agreement could affect immigration status. Defendant has discussed fully with his counsel the effect of signing this agreement on his citizenship status. (AT).

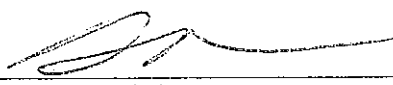
14. The defendant has been advised, by his attorneys, that other charged co-defendants have sought, and been granted, a change of venue with regard to their cases due to extensive pretrial publicity in Marion County. The defendant, by entering this plea, is indicating he does not desire a change of venue and agrees that his change of plea and sentencing shall be conducted by the judge of Marion Superior Court, Criminal Division, Room 3. (AT)

15. This agreement embodies the entire agreement between the parties and no promises have been made or inducements given to the defendant by the State which are not part of this written agreement. (AT)


Defendant, Gary Thompson

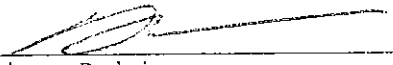

Heather Barton
Attorney for Defendant


Eugene Kress
Attorney for Defendant


Denise Robinson
Deputy Prosecuting Attorney

STATE'S CERTIFICATION

I certify that I have informed the victim(s) of the fact that the State has entered into discussions with defense counsel concerning this agreement, that I have informed the victim(s) of the terms of this agreement, that I have notified the victim(s) of the change of plea date and their opportunity to be present at the change of plea hearing, and that I will notify the victim(s) of the opportunity to be present on the date of sentencing.


Denise Robinson
Deputy Prosecuting Attorney