

Visited on 09/14/2015

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CASE No. 35D01-0405-FD-00134

State of Indiana vs. James Carter

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§Case Type: **FD - Class D Felony**  
Date Filed: **05/25/2004**  
Location: **Huntington Superior Court****RELATED CASE INFORMATION****Related Cases**

35A02-1508-CR-01137 (Lower Trial Court Case)

**PARTY INFORMATION****Defendant** Carter, James306 Grayston Ave  
Huntington, IN 46750**Attorneys****Davin Glen Smith**  
*Court Appointed*  
301 Warren Street  
Huntington, IN 46750-2854Mark Joseph Wiley  
*Court Appointed*  
301 Warren ST  
Huntington, IN 46750

260-356-4800(W)

**State Plaintiff** State of Indiana**Jamie Marvin Groves**  
Chief Deputy Prosecutor  
Room 306, Courthouse  
Huntington, In 46750**CHARGE INFORMATION****Charges: Carter, James**

- OBSTRUCTION OF JUSTICE
- INVASION OF PRIVACY

**Statute**-  
-**Level**Degree Code  
Degree Code**Date**05/25/2004  
05/25/2004**EVENTS & ORDERS OF THE COURT**

05/25/2004 **Converted Event**  
*CLERK ISSUES WARRANT.*

05/18/2015 **Clerk Administrative Event**  
*Warrant returned, served on 5/16/2015.*

05/18/2015 **Hearing (8:30 AM)** (Judicial Officer Heffelfinger, Jeffrey R)  
Result: Commenced and concluded

05/18/2015 **Hearing Scheduling Activity**  
*Hearing scheduled for 05/18/2015 at 8:30 AM.*

05/18/2015 **Hearing Journal Entry** (Judicial Officer: Heffelfinger, Jeffrey R )  
*State by Deputy Prosecutor Caviston. Defendant in person and in custody. Initial hearing conducted. Cause continued to 5/26/2015 at 8:30 a.m. for Defendant to secure counsel. Omnibus/Pretrial Conference set for 6/30/2015 at 8:30 a.m. Bond set \$20,000 (Bail bondsman Only). LNT: Defendant (HCJ), State, Probation, Sheriff.*  
Present: Carter, James  
Present: State of Indiana

05/19/2015 **Hearing Scheduling Activity**  
*Status of Counsel Hearing scheduled for 05/26/2015 at 8:30 AM.*

05/19/2015 **Hearing Scheduling Activity**  
*Pretrial Conference scheduled for 06/30/2015 at 8:30 AM.*

05/26/2015 **Status of Counsel Hearing (8:30 AM)** (Judicial Officer Heffelfinger, Jeffrey R)  
Result: Commenced and concluded

05/26/2015 **Hearing Journal Entry** (Judicial Officer: Heffelfinger, Jeffrey R )  
*Defendant in person and in custody. State by Deputy Prosecutor Pyclik. Defendant requests Public Defender. Court grants request and appoints Davin Smith of the Huntington County Public Defender's Office to represent the Defendant. Cause continued to 6/02/2015 at 8:30 a.m. for Public Defender to qualify. On defendant's request, bond hearing set for 6/02/2015 at 8:30 a.m. Omnibus/Pretrial remains set for 6/30/2015 at 8:30 a.m. LNT: Defendant (HCJ), State, Probation, Sheriff, PD- Smith*  
Present: Carter, James  
Present: State of Indiana

05/26/2015 **Indigent Counsel Appointed at County Expense**

05/26/2015 **Hearing Scheduling Activity**  
*Status of Counsel Hearing scheduled for 06/02/2015 at 8:30 AM.*

06/02/2015 **Status of Counsel Hearing (8:30 AM)** (Judicial Officer Heffelfinger, Jeffrey R)  
*PD - Smith and Bond Reduction hrg*  
Result: Commenced and concluded

06/02/2015 **Appearance Filed**  
For Party: Carter, James  
Attorney: Smith, Davin Glen  
Attorney: Wiley, Mark Joseph  
File Stamp: 06/02/2015

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06/02/2015 **Hearing Journal Entry** (Judicial Officer: Heffelfinger, Jeffrey R )  
*Defendant in person and in custody. Comes now Davin Smith and Mark Wiley filing written Appearance of Counsel on behalf of the Defendant. Omnibus/Pretrial remains set for 6/30/2015 at 8:30 a.m. Bond hearing conducted. Court denies bond reduction. LNT: Defendant (HCJ), State, Counsel, Sheriff, Probation.*  
 Present: Carter, James  
 Present: Smith, Davin Glen  
 Present: State of Indiana

06/02/2015 **Discovery Filed**  
*Receipt for Discovery*  
 File Stamp: 06/02/2015

06/30/2015 **Pretrial Conference** (8:30 AM) (Judicial Officer Heffelfinger, Jeffrey R)  
*Omnibus*  
 Result: Commenced and concluded

06/30/2015 **Hearing Journal Entry** (Judicial Officer: Heffelfinger, Jeffrey R )  
*State by Deputy Prosecutor. Defendant in person, in custody and by Counsel Smith. Defendant files Motion to Enter a Plea of Guilty, Written Advisement and Waiver of Rights. Defendant enters a plea of guilty to the crimes of Count 1: Obstruction of Justice, class D felony and Count 2: Invasion of Privacy, class A misdemeanor, as charged. The Court takes said motion under advisement/how accepts said plea of guilty and enters judgment of conviction order. Court directs the Probation Department to file a Pre-Sentence Report and continues this matter for sentencing at 8:30 a.m. on 07/28/15. LNT: State, Defendant, Counsel, Probation, Sheriff*  
 Present: Carter, James  
 Present: Smith, Davin Glen  
 Present: State of Indiana

07/01/2015 **Hearing Scheduling Activity**  
*Sentencing Hearing scheduled for 07/28/2015 at 8:30 AM.*

07/10/2015 **Motion Filed**  
*On 07/08/15, Defendant by Counsel files Motion for Status Conference. Status Conference is set for 8:30 a.m. on 08/04/15. Hearing of 07/28/15 is vacated. LNT: State, Defendant, Counsel, Probation, Sheriff*  
 Filed By: Carter, James  
 Filed By: Smith, Davin Glen  
 File Stamp: 07/08/2015

07/10/2015 **Hearing Scheduling Activity**  
*Sentencing Hearing originally scheduled on 07/28/2015 at 8:30 AM was rescheduled to 08/04/2015 at 8:30 AM. Reason: By Request.*

07/16/2015 **Clerical Mistake Corrected**  
*Due to clerical error, entry of 06/30/15 should read as: The Court takes said motion under advisement. Court directs the Probation Department to file a Pre-Sentence Report and continues this matter for sentencing at 8:30 a.m. on 07/28/15. LNT: State, Defendant, Counsel, Probation, Sheriff*

07/17/2015 **Correspondence to/from Court Filed**  
*On 7/09/2015, correspondence received from defendant and placed in file. All motions must be filed by the attorney of record. Correspondence is shown as received but not acted upon. LNT: Defendant (HCJ), Counsel, State.*  
 File Stamp: 07/09/2015

08/04/2015 **Sentencing Hearing** (8:30 AM) (Judicial Officer Heffelfinger, Jeffrey R)  
*Status Conference*  
*07/28/2015 Reset by Court to 08/04/2015*  
 Result: Commenced and concluded

08/04/2015 **Hearing Journal Entry** (Judicial Officer: Heffelfinger, Jeffrey R )  
*Defendant appears in person, in custody and by Counsel Smith. Defendant no longer wants to be represented by Counsel Smith. Court vacates the Public Defender appointment. Court does not accept the plea agreement. Defendant advises the Court he will represent himself. Cause is set for Jury Trial at 8:00 a.m. on 11/5/15, as a 2nd setting. Instructions due at least ten (10) days prior to trial. Defendant and counsel shall be present at 8:00 a.m. on trial day. Pretrial Jury Order issued. Final Pretrial Conference set for 10/6/15 at 8:30 a.m. Court appoints Counsel Smith as stand-by counsel only. LNT: Defendant, Counsel, State, Probation, Sheriff*  
 Present: Carter, James  
 Present: Smith, Davin Glen  
 Present: State of Indiana

08/04/2015 **Hearing Scheduling Activity**  
*Jury Trial scheduled for 11/05/2015 at 8:00 AM.*

08/04/2015 **Hearing Scheduling Activity**  
*Pretrial Conference scheduled for 10/06/2015 at 8:30 AM.*

08/04/2015 **RJO Entry**  
 Order Signed: 08/04/2015  
 Vol./Book 76

08/05/2015 **Subpoena/Summons Issued**  
 File Stamp: 08/05/2015

08/05/2015 **Service Issued**  
*Service Issued for D.W.,A.M.,M.C.,N.T.,H.H., Steve Coe and Marcia Wiblin-Whited to be serviced by the Sheriff of Huntington County*  
 Issued: 08/05/2015

08/05/2015 **Service Issued**  
*Service Issued for N.T. to be serviced by the Sheriff of Howard County*  
 Issued: 08/05/2015

08/05/2015 **Service Issued**  
*Service Issued for H.H. to be serviced by the Sheriff of Wells County*  
 Issued: 08/05/2015

08/10/2015 **Service Returned Served**  
*Service on A.M.,D.W. and Steven Coe by the Sheriff of Huntington County.*  
 Date Served: 08/06/2015

08/11/2015 **Service Returned Served**  
*Service on M.C. by the Sheriff of Huntington County*  
 Date Served: 08/07/2015

08/13/2015 **Service Returned Served**  
*Service on N.T. by the sheriff of Howard county.*  
 Date Served: 08/10/2015

08/14/2015 **Service Returned Served**  
*Service on Marcia Wiblin-Whited by the Sheriff of Huntington County.*  
 Date Served: 08/12/2015

08/17/2015 **Service Returned Served**  
*Service on H.H. by the sheriff of Wells county.*  
 Date Served: 08/10/2015

08/17/2015 **Motion to Dismiss Filed**  
*On 8/13/2015, defendant, pro-se,files Motion to Dismiss.*  
 Filed By: Carter, James  
 File Stamp: 08/13/2015

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08/17/2015 **Motion Filed**  
*On 8/13/2015, defendant, pro-se, files Motion to Release Defendant.*  
 Filed By: Carter, James  
 File Stamp: 08/13/2015

08/17/2015 **Order Issued**  
*Order of 8/17/2015 issued. The Court sets the Motion to Dismiss for hearing on August 25, 2015 at 11:00 a.m. The Court denies defendant's Motion for Release in that the Court has already conducted a bond reduction hearing for the defendant. LNT: Defendant (HCJ), State, Probation, Sheriff, (Counsel - Smith)*  
 Order Signed: 08/17/2015

08/17/2015 **Hearing Scheduling Activity**  
*Hearing on Motion to Dismiss scheduled for 08/25/2015 at 11:00 AM.*

08/18/2015 **Administrative Event**  
*Corrected Transcript of Bond Reduction hearing conducted 6/02/2015 filed (to show transcript of Advisement of Rights tape used on 6/02/2015)*  
 LNT: Defendant, State

08/18/2015 **RJO Entry**  
 Order Signed: 08/17/2015  
 Vol./Book 76

08/19/2015 **Document Filed**  
*Handwritten document (Appeal Record / 35A02-1508-CR-1137) received from the Court of Appeals is not legible. LNT: Defendant (HCJ), State, Counsel, Court of Appeals.*  
 File Stamp: 08/14/2015

08/21/2015 **Response Filed**  
*State's Response to Defendant's Discovery Request, State's List of Witnesses and Exhibits to be Used at Trial and Administrative Rule 9(G)(5) Notice of Exclusion of Confidential Information from Public Access filed. LNT: State, Defendant, Counsel*  
 Filed By: State of Indiana  
 File Stamp: 08/20/2015

08/24/2015 **Hearing Scheduling Activity**  
*Hearing on Motion to Dismiss originally scheduled on 08/25/2015 at 11:00 AM was rescheduled to 09/02/2015 at 9:30 AM. Reason: By Request.*

08/24/2015 **Order Granting Motion for Continuance** (Judicial Officer: Heffelfinger, Jeffrey R )  
*On 08/24/15, State files Motion to Continue and proposed order. Motion granted. Order for Continuance granted. Hearing on motion to dismiss is continued to 10:00 a.m. on 09/02/15. Hearing to be conducted in Courtroom #3. Hearing of 08/24/15 is vacated. LNT: State, Defendant, Counsel, Probation, Sheriff*  
 Order Signed: 08/24/2015

08/24/2015 **Hearing Scheduling Activity**  
*Hearing on Motion to Dismiss originally scheduled on 09/02/2015 at 9:30 AM was rescheduled to 09/02/2015 at 10:00 AM. Reason: By Request.*

08/24/2015 **RJO Entry**  
 Order Signed: 08/24/2015  
 Vol./Book 76

08/25/2015 **Subpoena/Summons Filed**  
 Filed By: State of Indiana  
 File Stamp: 08/25/2015

08/25/2015 **Service Issued**  
*For service on Jennifer Teusch and Marcia Wiblin-Whited to be served by the sheriff of Huntington county.*  
 Issued: 08/25/2015

08/28/2015 **Service Returned Served**  
*Service on Jennifer Teusch by the sheriff of Huntington county.*  
 Date Served: 08/26/2015

09/01/2015 **Service Returned Served**  
*Service on Marcia Wiblin-Whited by the sheriff of Huntington county.*  
 Date Served: 08/28/2015

09/02/2015 **Hearing on Motion to Dismiss** (10:00 AM) (Judicial Officer Heffelfinger, Jeffrey R)  
 Courtroom #3  
 08/25/2015 Reset by Court to 09/02/2015  
 09/02/2015 Reset by Court to 09/02/2015  
 Result: Commenced and concluded

09/02/2015 **Hearing Journal Entry** (Judicial Officer: Heffelfinger, Jeffrey R )  
*Defendant, in person and in custody, Pro se. State by Jennifer Pyclik. Hearing conducted. Defendant's Motion to Dismiss. Defendant states that as of this date there are no pending motions that have not been addressed by the Court. Court takes this matter under advisement. LNT: Defendant, State, Counsel, Probation, Sheriff.*  
 Present: Carter, James  
 Present: State of Indiana  
 Hearing Date: 09/02/2015

10/06/2015 **Pretrial Conference** (8:30 AM) (Judicial Officer Heffelfinger, Jeffrey R)  
 Final Pretrial Conference

11/05/2015 **Jury Trial** (8:00 AM) (Judicial Officer Heffelfinger, Jeffrey R)  
 2nd set

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