

Visited on 06/28/2019



Pulaski Circuit Court

Information current as of 6/28/19, 9:43 AM EDT

66C01-1606-F4-000002

STATE VS MICHAEL J FRANSCOVIAK

File date: 06/03/2016 Disposition Date:

Parties Involved

Attorneys:	Parties:
MURPHY, DANIEL P [Attorney] Address: 110 E MERIDIAN ST ROOM 202 WINAMAC , IN 46996 Phone: Business (Phone): 574-946-6858 State Bar ID: PROS4	STATE OF INDIANA [PLAINTIFF]
TODD, BLAIR [Attorney] Address: 708 N. PLYMOUTH RD WINAMAC , IN 46996 Phones: Business (Fax): 574-946-4622 Business (Phone): 574-946-4600 State Bar ID: 19897-64	FRANSCOVIAK, MICHAEL J [DEFENDENT] Address: C/O PULASKI COUNTY JAIL 110 E. MERIDIAN STREET WINAMAC , IN 46996 DOB: 10/17/1976
	ROGERS, FRED [Law Enforcement Officer]
	WELKER, MARY C. [Judge]

Charge Records

Count 1 , Number 1 : (Original)	
Charge: 35-47-4-5 (c) UNLAWFUL POSSESSION OF A FIREARM BY A SERIOUS VIOLENT FELON	Plea:
Charge Type: 4 Felony	Disposition:
Charge Date: 06/02/2016	Disposition Date:
Count 2 , Number 2 : (Original)	
Charge: 35-48-4-10 (a)(2) DEALING IN MARIJUANA	Plea:
Charge Type: 5 Felony	Disposition:
Charge Date: 06/02/2016	Disposition Date:
Count 3 , Number 3 : (Original)	
Charge: 35-48-4-6.1 (a) POSSESSION OF METHAMPHETAMINE	Plea:

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Charge Type: 5 Felony	Disposition:
Charge Date: 06/02/2016	Disposition Date:
Count 4 , Number 4 : (Original)	
Charge: 35-48-4-11 (a)(2) POSSESSION OF MARIJUANA	Plea:
Charge Type: 6 Felony	Disposition:
Charge Date: 06/02/2016	Disposition Date:
Count 5 , Number 5 : (Original)	
Charge: 35-48-4-13 (b)(2) MAINTAINING A COMMON NUISANCE	Plea:
Charge Type: 6 Felony	Disposition:
Charge Date: 06/02/2016	Disposition Date:
Count 6 , Number 6 : (Original)	
Charge: 35-46-1-4 (a)(1) NEGLECT OF A DEPENDENT	Plea:
Charge Type: 6 Felony	Disposition:
Charge Date: 06/02/2016	Disposition Date:
Count 7 , Number 7 : (Original)	
Charge: 35-48-4-13.3 TAKING A MINOR TO A NUISANCE	Plea:
Charge Type: A Misdemeanor	Disposition:
Charge Date: 06/02/2016	Disposition Date:

Hardcopy References

Charging informaton:	6/3/2016 Minute Entry:
Affidavit for Probable Cause:	6/3/2016 Minute Entry:
discovery.PDF:	9/26/2017
motion for discovery.PDF:	9/26/2017
discovery.PDF:	9/26/2017
motion for discovery.PDF:	9/26/2017
discovery.PDF:	9/26/2017
motion for discovery.PDF:	9/26/2017
discovery.PDF:	9/26/2017 Minute Entry:
motion for discovery.PDF:	11/8/2017
Petition for Hearing to Determine Competency:	9/26/2017 Minute Entry:
Attachments for Verified Petition to Determine Com:	9/26/2017
E-Mail from Micahel Franscoviak:	3/12/2018 Minute Entry:
Renewed Motion to Determine Competency:	3/12/2018
Motion for Court Authorization for Inspection of F:	4/2/2018 Minute Entry:
Order on Motion for Inspection of Firearm:	4/2/2018
	4/2/2018 Minute Entry:
	4/2/2018
	8/2/2018 Minute Entry:
	8/2/2018
	8/3/2018 Minute Entry:
	8/3/2018
	8/3/2018 Minute Entry:
	8/3/2018
	8/6/2018 Minute Entry:
	8/6/2018



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Motion in Limine / to Suppress (Alleged Contraband):	
Proposed Order filed:	8/6/2018 Minute Entry: 8/6/2018
Motion in Limine / to Suppress (Outbuilding):	8/6/2018 Minute Entry: 8/6/2018
Order Setting Hearing on Mot. in Limine/Suppress:	8/6/2018 Minute Entry: 8/6/2018
Motion to Continue Jury Trial.PDF:	8/6/2018 Minute Entry: 8/6/2018
Motion to Continue Jury Trial propped order.PDF:	8/6/2018 Minute Entry: 8/6/2018
Power of Attorney In Fact:	8/6/2018
Original Due Declaration and Notice of Factualized:	8/6/2018
Certificate of Assumed Business Name:	8/6/2018
Notice of Termination/Conditional Acceptance:	8/6/2018
Certification of Trust:	8/6/2018
Security Agreement:	8/6/2018
Notice of Intent to Seek Enhanced Penalty Based Uu:	8/6/2018
Notice of Intent to Seek Enhanced Penalty Based Up:	8/6/2018
Charging Information:	8/6/2018
Certificate of Assumed Business Name:	8/6/2018
Order from hearing held August 3, 2018:	8/7/2018 Minute Entry: 8/7/2018
Acknowledgement:	8/7/2018
ORDER FOR BENCH WARRANT -- DEF. FTA 9-18-18:	9/19/2018 Minute Entry: 9/19/2018
Motion to Withdraw:	10/8/2018 Minute Entry: 10/8/2018
Order to Withdraw:	10/8/2018 Minute Entry: 10/8/2018
signed order 10.0.18 hearing:	10/8/2018 Minute Entry:
Letters from Defendant/CCS & Case File Request:	10/15/2018 Minute Entry: 10/15/2018
Letter from Defendant to Prosecutor/Clerk:	10/16/2018 Minute Entry: 10/15/2018
Michael J Franscovich's pro se filing:	10/18/2018 Minute Entry: 10/22/2018
Letter from Defendant dated 10/21/18:	10/26/2018 Minute Entry: 10/25/2018

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Franscoviak's pro se letter:	11/2/2018 Minute Entry: 11/2/2018
Franscoviak's letter of 11/9/2018:	11/9/2018 Minute Entry:
Letter from defendant dated 11/9/18:	11/9/2018 Minute Entry: 11/9/2018
Letter from Defendant dated 10/25/2018:	11/10/2018 Minute Entry: 10/31/2018
Document filed from the Defendant:	12/4/2018 Minute Entry:
Michael J Franscoviak's letter:	12/26/2018 Minute Entry: 12/26/2018
Request for CCS from Defendant:	1/4/2019 Minute Entry: 1/4/2019
Motion for Status Conference:	1/4/2019 Minute Entry:
Order:	1/4/2019 Minute Entry:
Letter from the Defendant requesting new counsel:	1/4/2019 Minute Entry:
State's Notice of Supplemental Discovery ~ Fransco:	2/7/2019 Minute Entry:
Filing from the Defendant:	2/11/2019 Minute Entry:
Defendant's pro se Motion for Bond Reduction:	3/27/2019 Minute Entry:
Motion to Withdraw as Counsel of Record:	3/28/2019 Minute Entry:
Order on Motion to Withdraw:	3/28/2019 Minute Entry:
signed order for sh&fptc:	4/2/2019 Minute Entry:
pro se letter:	4/8/2019 Minute Entry:
Pro-Se Motion for Release on OR:	5/31/2019 Minute Entry:
States Verified Motion to Continue Status Hearing.:	6/20/2019 Minute Entry:
Proposed Order Status Hearing.pdf:	6/20/2019 Minute Entry:
Appearance:	6/27/2019 Minute Entry:
Motion for Discovery:	6/27/2019 Minute Entry:

Calendar Entries

8/2/16 10:00 AM EDT Confirmed	 (Download appointment to Outlook or Palm)	Event: Hearing: PRE-TRIAL CONFERENCE
10/4/16 10:30 AM EDT Cancelled		Event: Hearing: PRE-TRIAL CONFERENCE
11/1/16 1:00 PM EDT		Event: Hearing: PRE-TRIAL CONFERENCE

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Confirmed		
1/17/17 3:30 PM EST		Event: Hearing: PRE-TRIAL CONFERENCE
Confirmed		
3/7/17 1:00 PM EST		Event: Hearing: MISC. MOTIONS
Confirmed		
3/16/17 1:00 PM EDT		Event: Hearing: MOTION TO SUPPRESS HEARING
Confirmed		
3/16/17 1:00 PM EDT		Event: Hearing: FINAL PRETRIAL CONFERENCE
Confirmed		
4/11/17 8:00 AM EDT		Event: Hearing: JURY TRIAL
Cancelled		
4/12/17 8:00 AM EDT		Event: Hearing: JURY TRIAL
Cancelled		
4/12/17 9:00 AM EDT		Event: Hearing: MOTION TO SUPPRESS HEARING
Confirmed		
6/19/17 7:15 AM EDT		Event: Hearing: OTHER
Cancelled		
6/23/17 9:00 AM EDT		Event: Hearing: OTHER
Confirmed		
8/29/17 8:15 AM EDT		Event: Hearing: FINAL PRETRIAL CONFERENCE
Confirmed		
9/6/17 10:00 AM EDT		Event: Hearing: FINAL PRETRIAL CONFERENCE
Confirmed		
10/18/17 8:30 AM EDT		Event: Hearing: JURY TRIAL
Cancelled		
10/19/17 8:30 AM EDT		Event: Hearing: JURY TRIAL
Cancelled		

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10/20/17 8:30 AM EDT Cancelled		Event: Hearing: JURY TRIAL
8/3/18 2:00 PM EDT Confirmed		Event: Hearing: MISC. MOTIONS
8/7/18 8:30 AM EDT Confirmed		Event: Hearing: JURY TRIAL
8/8/18 8:30 AM EDT Confirmed		Event: Hearing: JURY TRIAL
8/9/18 8:30 AM EDT Confirmed		Event: Hearing: JURY TRIAL
9/18/18 8:00 AM EDT Confirmed		Event: Hearing: ENTRY OF PLEA
10/8/18 10:30 AM EDT Confirmed		Event: Hearing: OTHER
6/25/19 9:00 AM EDT Confirmed		Event: Hearing:
7/16/19 9:00 AM EDT Confirmed		Event: Hearing: MISC. MOTIONS
9/3/19 8:30 AM EDT Confirmed		Event: Hearing: JURY TRIAL
9/4/19 8:30 AM EDT Confirmed		Event: Hearing: JURY TRIAL
9/5/19 8:30 AM EDT Confirmed		Event: Hearing: JURY TRIAL

Minute Entries

(Most recent at top)

Minute Date: 6/27/2019

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Input Date: *Unavailable*
 Notice Sent: YES
 Order on File: NO

Attorney Todd files appearance on behalf of Michael Franscoviak with a motion for discovery and certificate of service. ELC(enotice prosecutor, todd)

Minute Date: *6/25/2019*
 Input Date: *Unavailable*
 Notice Sent: YES
 Order on File: NO

State appears by Pros. Murphy. Def. Michael J. Franscoviak is produced into open court, and he appears with his ct-apptd counsel, Dale J. Starkes. A hearing is held on the Motion to Withdraw Appearance, as filed by Dale J. Starkes, on 3-28-19; a Final PTC, and on the Def.'s pro se letter as filed on March 27, 2019, regarding a Motion for Bond Hearing,

Minute Date: *6/25/2019*
 Input Date: *Unavailable*
 Notice Sent: YES
 Order on File: NO

and a pro se letter filed 4-8-19; and the Def.'s pro se Motion for Release on Own Recognizance, as filed on 5-31-19. Def. sworn. Counsel Starkes advises the Court that the atty/client communication and relationship has broken down and he can no longer represent the Def. Def. Michael J. Franscoviak addresses the Court. The Court GRANTS the Motion to Withdraw

Minute Date: *6/25/2019*
 Input Date: *Unavailable*
 Notice Sent: YES
 Order on File: NO

Appearance as filed by Dale J. Starkes on 3-28-19, and his appearance is hereby withdrawn. Court appoins Blair A. Todd as substitute counsel for the Def., subject to his acceptance. Court finds congestion of the calendar and hereby cancels the Jury Trial scheduled in Case Number 66C01-150-F5-032, entitled the State of Indiana vs. Joy Deutscher, and now

Minute Date: *6/25/2019*
 Input Date: *Unavailable*
 Notice Sent: YES
 Order on File: NO

schedules all pending motions on this case for hearing on July 16, 2019, at 9:00 a.m. Eastern Time with two (2) hours reserved for the hearing. CR 4 delay is charged to Def. Def. is ordered to comply and cooperate with all of Mr. Todd's requests in regard to this case. That if the Def. is released from incarceration he shall contact Mr. Blair Todd's office

Minute Date: *6/25/2019*
 Input Date: *Unavailable*
 Notice Sent: YES
 Order on File: NO

within 2 bus. days and he shall notify Mr. Todd and the Court within 2 bus. days in writing of any change of address or phone number. The Court confirms the Jury Trial setting of September 3-5, 2019, at 9:00 a.m.

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Eastern Time. All parties are ordered to appear. Order to follow.
(E-Notice to Pros. Murphy, Probation, Dale J. Starkes -- mld 6-25-19) SLM

Minute Date: **6/25/2019**
Input Date: **Unavailable**
Notice Sent: YES
Order on File: NO

(E-Notice to Blair Todd -- mld 6-26-19) (Copy CCS to Michael Franscoviak
c/o PC Jail -- mld 6-26-19) SLM

Minute Date: **6/24/2019**
Input Date: **Unavailable**
Notice Sent: YES
Order on File: NO

The Court having consulted with Prosecuting Attorney Daniel Murphy now DENIES the Motion to Continue as Mr. Murphy will be available for said hearing. ELC(enotice prosecutor, starkes)

Minute Date: **6/20/2019**
Input Date: **Unavailable**
Notice Sent: YES
Order on File: NO

State of Indiana files motion to continue with proposed order. ELC(enotice prosecutor, starkes)

Minute Date: **5/31/2019**
Input Date: **Unavailable**
Notice Sent: NO
Order on File: NO

Clerk received Pro-Se Motion from Defendant dated 5/27/19 and forwarded it to the Court for any appropriate action. Clerk sent file stamped copy of the filing to the defendant as requested c/o PCJ. lw

Minute Date: **5/31/2019**
Input Date: **Unavailable**
Notice Sent: YES
Order on File: NO

Defendant's Motion for Release on Own Recognizance, as filed on May 31, 2019, with the Clerk of Court's is referred to counsel for action. Motion to be addressed at hearing set for June 25, 2019, at 9:00 a.m. Eastern Time.

j t (E-Notice Gaumer & Starkes -- 06-05-19)(copy CCS Franscoviak @

Minute Date: **5/31/2019**
Input Date: **Unavailable**
Notice Sent: YES
Order on File: NO

Pulaski County Jail -- MLD 06-05-19)

Minute Date: **4/8/2019**
Input Date: **Unavailable**
Notice Sent: YES
Order on File: NO

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Michael Franscoviak files pro se letter. Letter referred to Attorney Starkes to file appropriate motion. The issue will be heard at the June 25, 2019 hearing at 9:00 a.m. eastern time. All parties ordered to appear. ELC (enotice prosecutor, starkes)

Minute Date: **4/2/2019**
 Input Date: **Unavailable**
 Notice Sent: YES
 Order on File: NO

Proposed order filed January 4, 2019 for Status Conference, APPROVED. The Court sets the hearing for June 25, 2019 at 9:00 a.m. eastern time for status hearing and final pretrial conference. Attorney Starkes motion to withdraw will be heard at that time. ELC (enotice prosecutor, starkes)

Minute Date: **3/28/2019**
 Input Date: **Unavailable**
 Notice Sent: YES
 Order on File: NO

Attorney Starkes files motion to withdraw appearance and proposed order. ELC (enotice prosecutor, starkes)

Minute Date: **3/27/2019**
 Input Date: **Unavailable**
 Notice Sent: YES
 Order on File: NO

Defendant, pro se, files Motion for Bond Hearing. Referred to counsel for action deemed appropriate. Attorney Starkes to file appropriate paperwork. Issue to be addressed at hearing set for June 25, 2019, at 9:00 a.m. Eastern Time.

j t (E-Notice Murphy & Starkes -- 04-30-19)

Minute Date: **2/11/2019**
 Input Date: **Unavailable**
 Notice Sent: YES
 Order on File: NO

Defendant, pro se, files a letter with attachments. Referred to counsel for action deemed appropriate. Letter to be addressed at hearing set for June 25, 2019, at 9:00 a.m. Eastern Time.

j t (E-Notice Murphy & Starkes -- 04-30-19)

Minute Date: **2/7/2019**
 Input Date: **Unavailable**
 Notice Sent: YES
 Order on File: NO

State files notice of response to supplemental discovery. ELC (enotice prosecutor, starkes)

Minute Date: **1/4/2019**
 Input Date: **Unavailable**
 Notice Sent: NO
 Order on File: NO

Clerk received letter from Defendant requesting CCS. Clerk sent to defendant c/o Pul Co Jail. lw

Reference: [1/4/2019 Request for CCS from Defendant](#)

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Minute Date: **1/4/2019**
Input Date: **Unavailable**
Notice Sent: YES
Order on File: NO

Attorney Starkes files motion for status hearing with proposed order.
ELC (enotice prosecutor, starkes)

Minute Date: **1/4/2019**
Input Date: **Unavailable**
Notice Sent: YES
Order on File: NO

Defendant, pro se, files a letter requesting new counsel. Letter will be addressed at hearing set for June 25, 2019, at 9:00 a.m. Eastern Time.
j t (E-Notice Murphy & Starkes -- 04-30-19)

Minute Date: **12/26/2018**
Input Date: **Unavailable**
Notice Sent: YES
Order on File: NO

Michael J Franscoviak, pro se, files letter with the Court regarding his case. Matter referred to counsel for action deemed appropriate.
mr (E-notice Murphy, Starkes 12/26/2018)

Reference: [12/26/2018 Michael J Franscoviak's letter](#)

Minute Date: **12/4/2018**
Input Date: **Unavailable**
Notice Sent: YES
Order on File: NO

Defendant, pro se, files documents. Referred to counsel for action deemed appropriate.
j t (E-Notice Murphy & Starkes -- 04-30-19)

Minute Date: **11/16/2018**
Input Date: **Unavailable**
Notice Sent: NO
Order on File: NO

Clerk received letter from Defendant dated 11/8/18 regarding discharge of bnd debt. lw

Minute Date: **11/9/2018**
Input Date: **Unavailable**
Notice Sent: NO
Order on File: NO

Clerk received letter from Defendant requesting bond & charging information. lw

Reference: [11/9/2018 Letter from defendant dated 11/9/18](#)

Minute Date: **11/9/2018**
Input Date: **Unavailable**
Notice Sent: YES
Order on File: NO

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Defendent Michael Franscovi ak, pro se files exparte communication letter. Court sends to legal Counsel for action deemed appropriate. hr (E-notice Murphy, Starkes; Copy CCS Mid Franscovi ak) 11-16-18

Minute Date: **11/2/2018**
 Input Date: **Unavailable**
 Notice Sent: YES
 Order on File: NO

Michael Franscovi ak, pro se, files letter with the Court.
 mr (E-notice Murphy, Starkes 11/2/2018)

Reference: [11/2/2018 Franscoviak's pro se letter](#)

Minute Date: **10/31/2018**
 Input Date: **Unavailable**
 Notice Sent: NO
 Order on File: NO

Clerk received letter from defendant dated 10-25-2018. lw

Reference: [11/10/2018 Letter from Defendant dated 10/25/2018](#)

Minute Date: **10/25/2018**
 Input Date: **Unavailable**
 Notice Sent: NO
 Order on File: NO

Clerk received letter from Defendant dated 10/21/18 requesting an invoice. Clerk responded stating there is no debt in relation to the amount stated regarding bond and advised to contact his attorney regarding this. lw

Reference: [10/26/2018 Letter from Defendant dated 10/21/18](#)

Minute Date: **10/25/2018**
 Input Date: **Unavailable**
 Notice Sent: YES
 Order on File: NO

Michael J Franscovi ak, pro se, files letter with the Court.
 mr (E-notice Murphy, Starkes 10/27/2018)

Minute Date: **10/22/2018**
 Input Date: **Unavailable**
 Notice Sent: YES
 Order on File: NO

Michael J Franscovi ak, pro se, files request for a Settlement Conference. Matter referred to counsel for action deemed appropriate.
 mr (E-notice Murphy, Starkes 10/22/2018)

Reference: [10/18/2018 Michael J Franscoviak's pro se filing](#)

Minute Date: **10/15/2018**
 Input Date: **Unavailable**
 Notice Sent: NO
 Order on File: NO

Clerk received letter from Defendant addressed to Prosecutor (cc'd to clerk) dated 10/9/2018. Letter placed in case file & copy forwarded to Prosecutor's Office. lw

Reference: [10/16/2018 Letter from Defendant to Prosecutor/Clerk](#)

Minute Date: **10/15/2018**

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<p>Input Date: Unavailable Notice Sent: NO Order on File: NO</p> <p>Clerk received request from Defendant for CCS & copy of full case file. lw</p> <p>Reference: 10/15/2018 Letters from Defendant/CCS & Case File Request</p>
<p>Minute Date: 10/8/2018 Input Date: Unavailable Notice Sent: YES Order on File: NO</p> <p>Dale J. Starkes files Motion to Withdraw as Counsel of Record and proposed Order. j t (E-Notice Murphy & Starkes -- 10-08-18)</p> <p>Reference: 10/8/2018 Motion to Withdraw Reference: 10/8/2018 Order to Withdraw</p>
<p>Minute Date: 10/8/2018 Input Date: Unavailable Notice Sent: YES Order on File: NO</p> <p>Order of hearing held October 8, 2018 signed and entered. ELC(enotice prosecutor, starkes)</p>
<p>Minute Date: 10/4/2018 Input Date: Unavailable Notice Sent: YES Order on File: NO</p> <p>The Defendant appears on the Intake & Release - Charges 10/03/2018 06:00 - 10/04/2018 06:00. The Court sets this matter for hearing on October 8, 2018, at 10:30 a.m. Eastern Time. j t (E-Notice Murphy & Starkes -- 10-04-18)</p>
<p>Minute Date: 10/4/2018 Input Date: Unavailable Notice Sent: YES Order on File: NO</p> <p>Bench Warrant returned on Michael J. Franscoviak signed by Seth Barton -- 66-11. j t (E-Notice Murphy & Starkes -- 10-05-18)</p>
<p>Minute Date: 9/19/2018 Input Date: Unavailable Notice Sent: YES Order on File: NO</p> <p>Order for Bench Warrant is entered this date. Def. Michael Franscoviak failed to appear for an Entry of Plea Hearing on 9-18-18. Clerk to issue. (E-Notice to Pros. Murphy, Dale J. Starkes -- scanned and mld 9-19-18)</p>
<p>Minute Date: 9/19/2018 Input Date: Unavailable Notice Sent: YES</p>

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Order on File: NO

(Copy Order to PC Sheriff) SLM

Reference: [9/19/2018 ORDER FOR BENCH WARRANT -- DEF. FTA 9-18-18](#)

Minute Date: **9/19/2018**

Input Date: **Unavailable**

Notice Sent: NO

Order on File: NO

Clerk issued warrant on Michael J Franscoviak. Iw

Minute Date: **9/18/2018**

Input Date: **Unavailable**

Notice Sent: YES

Order on File: NO

State appears by Daniel P. Murphy, Pros. Atty. The Def. Michael J. Franscoviak DOES NOT appear. Dale J. Starkes, counsel for the Def., appears. This matter was scheduled for an Entry of Plea Hearing this date. Counsel Starkes advises the Court that he had written the Def. several letters advising him of the hearing date and he made attempts to call the

Minute Date: **9/18/2018**

Input Date: **Unavailable**

Notice Sent: YES

Order on File: NO

Def. State orally requests the issuance of a bench warrant for the Def.'s failure to appear, and further requests the Court set a bond in the amt. of \$25,000.00 cash. Court GRANTS the State's Motion for the Issuance of a Bench Warrant. No Bond set. Clerk directed to issue. Order to follow. (E-Notice to Pros. Murphy, Dale J. Starkes -- mld 9-18-18) SLM

Minute Date: **8/8/2018**

Input Date: **Unavailable**

Notice Sent: YES

Order on File: NO

State appears by Pros. Murphy. The Def. Michael J. Franscoviak appears in person and with his court-apptd counsel, Dale J. Starkes. The Court instructed the Jury Bailiff on August 7, 2018, to call an additional 23 prospective jurors to report this date for a continuation of jury selection, and the 23 additional prospective jurors now appear. The Jury

Minute Date: **8/8/2018**

Input Date: **Unavailable**

Notice Sent: YES

Order on File: NO

Bailiff escorts the seated prospective jurors into the courtroom and they are seated into the jury box. The Court admonishes the seated prospective jurors, and the additional jury panel members that the Court has declared a Mistrial in this case, and the seated prospective jurors, and the additional 23 panel members are hereby discharged and released. A brief

Minute Date: **8/8/2018**

Input Date: **Unavailable**

Notice Sent: YES

Order on File: NO

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recess is taken. The Pros. Atty. reappears. Dale J. Starkes, counsel for the Def., reappears. The Def. Michael J. Franscoviak, refused to re-enter the courtroom. The Pros. Atty. orally requests that the Court reschedule this matter for a Jury Trial, and also requests the Court schedule a possible entry of plea hearing. Counsel for the Def. advises the Court

Minute Date: **8/8/2018**
 Input Date: **Unavailable**
 Notice Sent: YES
 Order on File: NO

that he has contacted Mr. Dave Wegner of the Cass/Pulaski Community Corrections Program to make arrangements for an intake interview with the Def., and that Mr. Starkes will personally take the Def. Michael Franscoviak, to Mr. Wegner's office on August 9, 2018 to determine if the Def. would be accepted into their program. Jury Trial is now rescheduled

Minute Date: **8/8/2018**
 Input Date: **Unavailable**
 Notice Sent: YES
 Order on File: NO

to September 3, 2019, September 4, 2019, and September 5, 2019, commencing at 8:30 a.m. Eastern Time. All parties are ordered to appear. Court schedules a possible entry of plea hearing for September 18, 2018, at 8:00 a.m. Eastern Time. All parties are ordered to appear. Order to follow. (E-Notice to Pros. Murphy, Dale J. Starkes -- mld 9-17-18) SLM

Minute Date: **8/7/2018**
 Input Date: **Unavailable**
 Notice Sent: YES
 Order on File: NO

Order from hearing held August 3, 2018, approved and entered this 7th day of August, 2018.

j t (E-Notice Murphy & Starkes -- 08-07-18)

Reference: [8/7/2018 Order from hearing held August 3, 2018](#)

Minute Date: **8/7/2018**
 Input Date: **Unavailable**
 Notice Sent: NO
 Order on File: NO

Clerk issued venire to Pul Co Sheriff together with Memorandum, Additional Order, List of Jury Panel, Contact List & Notification Sheet. lw

Minute Date: **8/7/2018**
 Input Date: **Unavailable**
 Notice Sent: YES
 Order on File: YES

Jury Venire for additional 23 jurors for Jury Trial scheduled August 7 - 9, 2018, at 8:00 a.m. EST entered.
 mr (E-notice murphy, Starkes 8/7/2018)

Minute Date: **8/7/2018**
 Input Date: **Unavailable**
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New Jury Panel Member List - 22 new jurors circled, and one no show from today, #74.
mr (E-notice murphy, Starkes 8/7/2018)

Minute Date: **8/7/2018**
Input Date: **Unavailable**
Notice Sent: YES
Order on File: NO

State appears by Pros. Murphy. The Def. Michael J. Franscoviak appears in person and with his court-appted counsel, Dale J. Starkes. Prior to the commencement of the Jury Trial scheduled for this date, the Court held a hearing in the Pulaski Superior Court courtroom on the Def.'s Two Motions in Limine, as filed on 8-6-18, and on the Defendant's Two Motions to

Minute Date: **8/7/2018**
Input Date: **Unavailable**
Notice Sent: YES
Order on File: NO

Suppress, as filed on 8-6-18, and on the State of Indiana's Motion for Continuance of the Jury Trial, as filed on 8-6-18. Arguments are heard. The Court denied the State of Indiana's Motion to Continue the Jury Trial, as filed on 8-6-18. Jury Trial commences in the Pulaski Circuit Court courtroom. Members of the regular venire of jurors appear and are duly

Minute Date: **8/7/2018**
Input Date: **Unavailable**
Notice Sent: YES
Order on File: NO

sworn to well and truly answer questions that may be propounded to them touching upon their competency to serve as jurors in this case. The Court admonishes counsel that he will instruct the Jury Bailiff to call an additional 23 prospective jurors to report on August 8, 2018, at 8:00 a.m. Eastern Time. All parties are ordered to appear. Order to follow.

Minute Date: **8/7/2018**
Input Date: **Unavailable**
Notice Sent: YES
Order on File: NO

(E-Notice to Pros. Murphy, Dale J. Starkes -- mld 9-17-18) SLM

Minute Date: **8/6/2018**
Input Date: **Unavailable**
Notice Sent: YES
Order on File: NO

Defendant, by counsel, files two Motions in Limine/To Suppress with proposed order. Court to address these matters prior to the commencement of the trial on August 7, 2018, at 8:30 a.m. E.T. Order Entered. LL
(E-Notice Murphy & Starkes -- 8-6-18)

Reference: [8/6/2018 Motion in Limine / to Suppress \(Alleged Contraband\)](#)
Reference: [8/6/2018 Proposed Order filed](#)
Reference: [8/6/2018 Motion in Limine / to Suppress \(Outbuilding\)](#)
Reference: [8/6/2018 Order Setting Hearing on Mot. in Limine/Suppress](#)

Minute Date: **8/6/2018**
Input Date: **Unavailable**
Notice Sent: YES

Visited on 06/28/2019

Order on File: NO

State files Motion to Continue Jury Trial with proposed order. Court to address at the hearing set on August 7, 2018, at 8:30 a.m. E.T. LL (E-Notice Murphy & Starkes -- 8-6-18)

Reference: [8/6/2018 Motion to Continue Jury Trial.PDF](#)

Reference: [8/6/2018 Motion to Continue Jury Trial propsed order.PDF](#)

Minute Date: **8/6/2018**
 Input Date: **Unavailable**
 Notice Sent: YES
 Order on File: NO

Defendant, pro se, files Power of Attorney in Fact & Hold Harmless/Indemnity Identity's; Original Due Declaration and Notice of Factualized Trust; Certificate of Assumed Business Name; Notice of Termination/Conditional Acceptance; Acknowledgement; Certification of Trust Regarding the Michael Joe Franscoviak; Security Agreement; Two (2)

Minute Date: **8/6/2018**
 Input Date: **Unavailable**
 Notice Sent: YES
 Order on File: NO

Notice of Intent to Seek Enhanced Penalty Based Upon Prior Conviction in Count 2 and Count 4; Charging Information; and Certificate of Assumed Business Name.

j t (E-Notice Murphy & Starkes -- 08-08-18)

Minute Date: **8/3/2018**
 Input Date: **Unavailable**
 Notice Sent: YES
 Order on File: NO

Defendant, by counsel, files Motion for Court Authorization for Inspection of Firearm and Payment of Cost of Inspection and proposed Order.

j t (E-Notice Murphy & Starkes -- 08-03-18)

Reference: [8/3/2018 Motion for Court Authorization for Inspection of F](#)

Reference: [8/3/2018 Order on Motion for Inspection of Firearm](#)

Minute Date: **8/3/2018**
 Input Date: **Unavailable**
 Notice Sent: YES
 Order on File: NO

State appears. Counsel for the Defendant appears. Hearing held on Defendant's Motion to Determine Competency and Motion for Court Authorization for Inspection of Firearm and Payment of Cost of Inspection. The Defendant's Motion to Determine Competency is denied. The Court authorizes Motion for Court Authorization for Inspection of Firearm.

Minute Date: **8/3/2018**
 Input Date: **Unavailable**
 Notice Sent: YES
 Order on File: NO

Order to follow.

SLM/j t (E-Notice Murphy & Starkes -- 08-07-18)

Minute Date: **8/2/2018**

Visited on 06/28/2019

Input Date: **Unavailable**
 Notice Sent: YES
 Order on File: NO

Attorney Dale J Starkes files Renewed Motion to Determine Competency. The matter will be addressed at the hearing set August 3, 2018, at 2:00 p.m. EST.

mr (E-notice Murphy, Starkes 8/3/2018)

Reference: [8/2/2018 Renewed Motion to Determine Competency](#)

Minute Date: **7/24/2018**
 Input Date: **Unavailable**
 Notice Sent: YES
 Order on File: YES

Jury Venire Issued for Jury Trial set for August 7 - 9, 2018, at 8:00 a.m. EST. Order entered.

mr (E-notice Murphy, Starkes 7/24/2018)

Minute Date: **7/24/2018**
 Input Date: **Unavailable**
 Notice Sent: YES
 Order on File: NO

List of Panel Members entered.

mr (E-notice Murphy, Starkes 7/24/2018)

Minute Date: **7/24/2018**
 Input Date: **Unavailable**
 Notice Sent: NO
 Order on File: NO

Clerk issued Venire to Pul Co Sheriff with attached Memorandum, Order, List of Jury Panel Members & Contact List. lw

Minute Date: **7/2/2018**
 Input Date: **Unavailable**
 Notice Sent: YES
 Order on File: NO

State appears. Attorney Starkes office called Friday, June 29, 2018, and advised the Court that Attorney Starkes would not be attending the hearing set for July 2, 2018, and confirmed the trial setting. No pre-trial motions have been filed.

j t (E-Notice Muprhy & Starkes -- 07-02-18)

Minute Date: **4/2/2018**
 Input Date: **Unavailable**
 Notice Sent: YES
 Order on File: NO

Defendant, by counsel, files Exhibit 1 for the Verified Petition for Hearing to Determine Competency. Defendant, by counsel, files E-Mail from Michahel Franscoviak.

j t (E-Notice Murphy & Starkes -- 04-02-18)

Reference: [4/2/2018 Attachments for Verified Petition to Determine Com](#)

Reference: [4/2/2018 E-Mail from Micahel Franscoviak](#)

Minute Date: **4/2/2018**
 Input Date: **Unavailable**

Visited on 06/28/2019

Notice Sent: YES
Order on File: NO

State appears by Pros. Murphy. The Def. Michael J. Franscoviak appears in person and with counsel, Dale J. STarkes. A hearing is held on the Def.'s Verified Petition for Hearing to Determine Competency of the Def., as filed on 3-12-18. Def. sworn. Defendant's Exhibit I was e-filed this date. Counsel for the Def. advises the Court that the Def. understands

Minute Date: **4/2/2018**
Input Date: **Unavailable**
Notice Sent: YES
Order on File: NO

the nature of the charges against him, however, the Def. is not able to assist his counsel with his defense. The Court examines the Def. to determine if he understands the nature of the charges against him, and finds that the Def. has a good understanding of all of the charges against him. The Court finds no basis that the Def. is incompetent to stand trial,

Minute Date: **4/2/2018**
Input Date: **Unavailable**
Notice Sent: YES
Order on File: NO

and denies the Def.'s Verified Petition to Determine Competency, as filed on March 12, 2018. The Court believes that the Def. is able to assist his counsel with his defense. Jury Trial scheduled for August 7-9, 2018, at 8:30 a.m. is hereby confirmed. Order to follow.

Minute Date: **4/2/2018**
Input Date: **Unavailable**
Notice Sent: YES
Order on File: NO

(E-Notice to Pros. Murphy, Dale J. Starkes -- ml d 10-5-18)
SLM

Minute Date: **3/12/2018**
Input Date: **Unavailable**
Notice Sent: YES
Order on File: YES

Defendant, by counsel, files Verified Petition For Hearing To Determine Competency. LL (E-Notice Murphy & Starkes -- 3-21-18)

Reference: [3/12/2018 Petition for Hearing to Determine Competency](#)

Minute Date: **11/8/2017**
Input Date: **Unavailable**
Notice Sent: YES
Order on File: NO

State of Indiana's Motion for Discovery is granted. Order entered.
jt (E-Notice Murphy & Starkes -- 11-13-17)

Reference: [9/26/2017 discovery.PDF](#)

Minute Date: **10/19/2017**
Input Date: **Unavailable**
Notice Sent: YES

Visited on 06/28/2019

Order on File: NO

Order on Final PTC held on 9-6-17 is entered this date.
(E-Notice to Pros. Murphy, Dale J. Starkes -- order scanned and e-mailed 10-19-17) SLM

Minute Date: **9/26/2017**
Input Date: **Unavailable**
Notice Sent: YES
Order on File: NO

State of Indiana files Motion for Discovery and proposed Order.
jt (E-Notice Murphy & Starkes -- 11-13-17)

Reference: [9/26/2017 motion for discovery.PDF](#)

Minute Date: **9/11/2017**
Input Date: **Unavailable**
Notice Sent: YES
Order on File: NO

Defendant's Motion to Continue Jury Trial as filed on September 7, 2017, is Granted. Jury Trial scheduled for October 18, October 19, and October 20, 2017, is hereby reset to August 7, August 8, and August 9, 2017, at 8:30 a.m. Eastern Time. All parties are directed to appear. LL Order Entered. (copy Murphy & Starkes by e-notice 9-11-17)

Minute Date: **9/7/2017**
Input Date: **Unavailable**
Notice Sent: YES
Order on File: NO

Defendant, by counsel, files Motion for Continuance of Jury Trial with Affidavit of Dale J. Starkes. LL (copy CCS Murphy & Starkes) (e-notice 9-11-17)

Minute Date: **9/6/2017**
Input Date: **Unavailable**
Notice Sent: YES
Order on File: NO

Order on Final Pre-Trial Conference is entered.
(E-Notice to Pros. Murphy) (Copy CCS handed to Dale J. Starkes, Michael Franscoviak) (MLD 9-6-17) SLM

Minute Date: **9/6/2017**
Input Date: **Unavailable**
Notice Sent: YES
Order on File: NO

State files State's Notice of Response to Discovery. LL (copy CCS Murphy & Starkes by e-notice 9-11-17) (scanned 9-11-17)

Minute Date: **9/6/2017**
Input Date: **Unavailable**
Notice Sent: YES
Order on File: NO

See entry 9-6-17

Minute Date: **9/6/2017**

Visited on 06/28/2019

Input Date: *Unavailable*
 Notice Sent: YES
 Order on File: NO

State appears by Pros. Murphy. The Def. Michael J. Franscoviak appears in person and with counsel, Dale J. Starkes. Final PTC is held. The Def. is sworn. Counsel for the Def. makes an oral Motion to Continue the Jury Trial scheduled for Oct. 18-20, 2017, and advises the Court that he will file a written motion. The Def. offers no objection to the Oral Motion to

Minute Date: *9/6/2017*
 Input Date: *Unavailable*
 Notice Sent: YES
 Order on File: NO

Continue made by counsel Dale J. Starkes. The Court advises the Def. of his CR 4 rights. Understanding is established by the Def. Def. waives his CR 4 right. The Court GRANTS the oral Motion to Continue the Jury Trial scheduled for Oct. 18-20, 2017, and hereby resets the Jury Trial for August 7, 2018, August 8, 2018, and August 9, 2018, at 8:30 a.m. Eastern

Minute Date: *9/6/2017*
 Input Date: *Unavailable*
 Notice Sent: YES
 Order on File: NO

Time. Cutoff for the filing of a plea agreement and a Final PTC is scheduled for July 2, 2018, at 9:00 a.m. Eastern Time. Cutoff for the filing of all pre-trial motions is set for April 2, 2018. PTC is set for April 2, 2018, at 9:00 a.m. Eastern Time. All parties are ordered to appear for all hearings and trial dates. Order to follow.

Minute Date: *9/6/2017*
 Input Date: *Unavailable*
 Notice Sent: YES
 Order on File: NO

(E-Notice to Pros. Murphy, Dale J. Starkes -- emailed 10-19-17) SLM

Minute Date: *8/29/2017*
 Input Date: *Unavailable*
 Type: **PAUPER COUNSEL**
 Notice Sent: YES
 Order on File: NO

Dale J. Starkes files Appearance on behalf of the Defendant. Defendant, by counsel, files Motion for Discovery.
 jt (E-Notice Murphy & Starkes -- 08-29-17)

Minute Date: *8/29/2017*
 Input Date: *Unavailable*
 Notice Sent: YES
 Order on File: NO

State of Indiana appears by Daniel P. Murphy, Pros. Atty. The Def. Michael J. Franscoviak appears in person and without counsel. A Final PTC is held. The Def. is sworn. The Court advised the Def. that this date was the cutoff for an entry of plea and he inquires of the Def. if he is going to proceed to trial without counsel. The Court advises the Def.

Minute Date: *8/29/2017*

Visited on 06/28/2019

Input Date: *Unavailable*
 Notice Sent: YES
 Order on File: NO

that the jury trial is set for October 18-20, 2017, at 8:30 a.m. Eastern Time. The Def. orally requests the appt. of counsel. The Court examines the Def., as to his financial condition. The Court determines that the Def. is eligible for the appt. of counsel and appoints Dale J. Starkes as counsel for the Def., subject to his acceptance. The Court advises the

Minute Date: *8/29/2017*
 Input Date: *Unavailable*
 Notice Sent: YES
 Order on File: NO

Def. Michael J. Franscoviak to immediately report to the law office of Dale J. Starkes and make an appointment. The Court sets a further Final PTC on September 6, 2017, at 10:00 a.m. Eastern Time. All parties are ordered to appear. Order to follow. (E-Notice to Pros. Murphy) (Copy CCS to Dale J. Starkes, Michael J. Franscoviak) (MLD 9-6-17) SLM

Minute Date: *8/9/2017*
 Input Date: *Unavailable*
 Notice Sent: YES
 Order on File: NO

Order on Motion to Withdraw granted. Order entered.
 mr (ORDER NOT IN RJO)(Copy CCS & filing Murphy, Tonner, Franscoviak)
 (E-notice Murphy)(MLD tonner, Franscoviak 8/9/2017)

Minute Date: *7/31/2017*
 Input Date: *Unavailable*
 Notice Sent: YES
 Order on File: NO

Attorney Ned J. Tonner files Motion To Withdraw with Proposed Order.
 mr (Copy CCS & filing Murphy, Tonner)(E-Notice Murphy)(MLD Tonner
 8/9/2017)

Minute Date: *6/28/2017*
 Input Date: *Unavailable*
 Notice Sent: YES
 Order on File: YES
 Order Location: **Book: 116 Page: 117**

Order from Hearing held on June 23, 2017, on the Defendant's Motion to Certify Order for Interlocutory Appeal, is entered this date. DENIED. Final PTC set for August 29, 2017, at 8:15 a.m. Eastern Time. Cutoff for the filing of any plea agreement is August 29, 2017. That the Jury Trial is scheduled for October 18, 19, and 20, 2017, at 8:30 a.m. Eastern Time

Minute Date: *6/28/2017*
 Input Date: *Unavailable*
 Notice Sent: YES
 Order on File: YES

is hereby confirmed. (ORDER IN RJO) (E-Notice to Pros. Murphy -- order distribute 6-28-17) (Copy CCS & Order to Ned J. Tonner) (MLD 6-28-17) SLM

Minute Date: *6/23/2017*

Visited on 06/28/2019

Input Date: *Unavailable*
 Notice Sent: YES
 Order on File: NO

State appears by Pros. Murphy. Ned J. Tonner, counsel for the Def., appears. A hearing is held on the Def.'s Motion to Certify for Interlocutory Appeal, as filed on 6-16-17. Pros. Atty. objects. Argument of counsel is heard. The Court DENIES the Def.'s Motion to Certify for Interlocutory Appeal. Final PTC is scheduled for August 29, 2017, at

Minute Date: *6/23/2017*
 Input Date: *Unavailable*
 Notice Sent: YES
 Order on File: NO

8:15 a.m. Eastern Time. All parties are ordered to appear. Cutoff for filing of a plea agreement is 8-29-17. Jury Trial dates are confirmed. Order to follow. (E-Notice to Pros. Murphy on 6-23-17) (Copy CCS to Ned J. Tonner) (MLD 6-23-17) SLM

Minute Date: *6/19/2017*
 Input Date: *Unavailable*
 Notice Sent: YES
 Order on File: NO

Order On Motion to Continue Motion to Certify Interlocutory Appeal Hearing, as filed 6/16/2017, approved and entered. Hearing set June 19, 2017, at 7:15 a.m. EST is reset to June 23, 2017, at 9:00 a.m. EST. mr (ORDER NOT IN RJO)(Copy CCS & Order Murphy, Tonner)(E-Notice Murphy)(MLD Tonner 6/19/2017)

Minute Date: *6/16/2017*
 Input Date: *Unavailable*
 Notice Sent: YES
 Order on File: NO

Defendant, by counsel, files Motion to Certify Order for Interlocutory Appeal and proposed Order. The Court sets this matter for hearing on June 19, 2017, at 7:15 a.m. Eastern Time. jt (E-Notice Murphy 06-16-17) (copy CCS Tonner) (MLD 06-16-17)

Minute Date: *6/16/2017*
 Input Date: *Unavailable*
 Notice Sent: YES
 Order on File: NO

Attorney Ned Tonner files by facsimile Motion to Continue to Certify Interlocutory Appeal Hearing with Proposed Order. mr (Copy CCS & filing Murphy, Tonner)(E-Notice Murphy)(MLD Tonner 6/19/2017)

Minute Date: *5/19/2017*
 Input Date: *Unavailable*
 Notice Sent: YES
 Order on File: YES
 Order Location: **Book: 116 Page: 63**

Order on Motion to Suppress is entered. Court Denies Motion to Suppress as it pertains to the residence located at 7369 S. 1100 W., Francesville,

Visited on 06/28/2019

IN, and the Court Grants the Motion to Suppress as it pertains to the out building GAR located at the residence. LL (ORDER IN RJ0) (copy Murphy, Todd & courtsey copy Monfort)

Minute Date: **5/19/2017**

Input Date: **Unavailable**

Notice Sent: YES

Order on File: YES

(handdelivered to Murphy 5-19-17) (faxed Tonner 5-19-17)
(mld Monfort 5-19-17)

Minute Date: **4/27/2017**

Input Date: **Unavailable**

Notice Sent: NO

Order on File: YES

Order Location: **Book: 116 Page: 36**

Order on Motion to Suppress Hearing is entered this date. Motion to Suppress Hearing was held on April 12, 2017. (ORDER IN RJ0) (E-Notice to Pros. Murphy -- order distributed 4-27-17) (Copy CCS & Order to Ned J. Tonner, courtesy copy to Robert V. Monfort) (MLD 4-27-17) SLM

Minute Date: **4/17/2017**

Input Date: **Unavailable**

Notice Sent: YES

Order on File: NO

Attorney Ned Tonner files by facsimile A Brief In Support Of Motion To Suppress Evidence.
mr (Copy CCS & filing Murphy, Tonner)(E-Notice Murphy, MLD Tonner 4/24/2017)

Minute Date: **4/17/2017**

Input Date: **Unavailable**

Notice Sent: YES

Order on File: NO

Hard copies of Brief in Support of Motion to Suppress Evidence received, originally faxed 4/17/2017.
mr (Copy CCS Murphy, Tonner)(E-Notice Murphy)(MLD Tonner 6/5/2017)

Minute Date: **4/12/2017**

Input Date: **Unavailable**

Notice Sent: YES

Order on File: YES

State of Indiana appears by Daniel P. Murphy, Pros. Atty. The Def. Michael J. Franscoviak appears in person and with his counsel, Ned J. Tonner. Robert V. Monfort, counsel for the co-defendant, Joy Deutscher, orally requests to call Joy Deutscher, to the witness stand to make a record of the fact that she has been subpoenaed to testify at this Motion

Minute Date: **4/12/2017**

Input Date: **Unavailable**

Notice Sent: YES

Order on File: YES

to Suppress Hearing, and she is voluntarily agreeing to do so, which is in direct opposition to the advice of her counsel. The Court advises Ms. Deutscher that anything she testifies to in open court may be used against

Visited on 06/28/2019

her. Understanding is established. The Def., by counsel, continues his case-in-chief. Def.'s Exhibits 1, 9, 10, 11, 12, 13 are marked, offered,

Minute Date: **4/12/2017**
 Input Date: **Unavailable**
 Notice Sent: YES
 Order on File: YES

and admitted in evidence without objection. Def.'s Exhibits 8, 14, 15, and 16 are marked, offered, and admitted into evidence over objection of counsel. The Def. rests. State of Indiana orally requests that the Court deny the Def.'s Motion to Suppress. Denied. The State of Indiana, by the Pros. Atty., presents his case-in-chief and rests. The Def., by counsel,

Minute Date: **4/12/2017**
 Input Date: **Unavailable**
 Notice Sent: YES
 Order on File: YES

presents their rebuttal evidence and rests. Arguments of counsel are heard. The Court continues the Motion to Suppress Hearing to permit further briefs to be filed by counsel by April 19, 2017. Order to follow. (E-Notice to Pros. Murphy on 4-26-17) (Copy CCS to Ned J. Tonner) (MLD 4-26-17) SLM

Minute Date: **3/29/2017**
 Input Date: **Unavailable**
 Notice Sent: NO
 Order on File: YES
 Order Location: **Book: 115 Page: 138**

Order entered from hearing held on 3-16-17 resetting the continuance of the hearing on the Defendant's Motion to Suppress Evidence to April 12, 2017, at 9:00 a.m. Eastern Time. Jury Trial reset to October 18, 2017, October 19, 2017, and October 20, 2017, at 8:30 a.m. Eastern Time. (ORDER IN RJ0) (E-Notice to Pros. Murphy -- order distributed 3-29-17) (Copy CCS

Minute Date: **3/29/2017**
 Input Date: **Unavailable**
 Notice Sent: YES
 Order on File: YES

& Order to Ned J. Tonner) (MLD 3-29-17) SLM

Minute Date: **3/16/2017**
 Input Date: **Unavailable**
 Notice Sent: YES
 Order on File: NO

State of Indiana appears by Daniel P. Murphy, Prosecuting Attorney. The Def. Michael J. Franscoviak, appears in person and with his counsel, Ned J. Tonner. Robert V. Monfort, counsel for Joy Deutscher, also appears. This matter was scheduled for a continuation of the hearing on the Def.'s Motion to Suppress Evidence, as filed on 10-31-16. Def. is sworn. The

Minute Date: **3/16/2017**
 Input Date: **Unavailable**
 Notice Sent: YES
 Order on File: NO

Visited on 06/28/2019

Court, on its own motion, finds congestion of the Court's calendar, and hereby continues the jury trial scheduled for April 11, 2017 and April 12, 2017, and resets the Jury Trial to October 18, 2017, October 19, 2017, and October 20, 2017 at 8:30 a.m. Eastern Time. No objections are made to the continuance. All parties are ordered to appear. The Court reschedules

Minute Date: **3/16/2017**

Input Date: **Unavailable**

Notice Sent: YES

Order on File: NO

the continuation of the Def.'s Motion to Suppress Evidence hearing to April 12, 2017, at 9:00 a.m. Eastern Time. All parties are ordered to appear. Order to follow. (E-Notice to Pros. Murphy) (Copy CCS to Ned J. Tonner) (MLD 3-29-17) SLM

Minute Date: **3/8/2017**

Input Date: **Unavailable**

Notice Sent: NO

Order on File: YES

Order Location: **Book: 115 Page: 114**

Order on Motion to Clarify Order and on Motion to Suppress Hearing held on March 7, 2017 is entered. (ORDER IN RJ0) (E-Notice to Pros. Murphy --- order distributed 3-8-17) (Copy CCS & Order to Ned J. Tonner) (MLD 3-08-17) SLM

Minute Date: **3/7/2017**

Input Date: **Unavailable**

Notice Sent: YES

Order on File: NO

State of Indiana appears by Daniel P. Murphy, Pros. Atty. The Def. Michael Franscoviak, appears in person and with his counsel, Ned J. Tonner. A hearing is held on the Def.'s Motion to Suppress Evidence, as filed on 10-31-16, and also on the Defendant's Request for Clarification of Court Orders, as filed 10-31-16. Ned J. Tonner files an Agreement to

Minute Date: **3/7/2017**

Input Date: **Unavailable**

Notice Sent: YES

Order on File: NO

Release Bond for Payment of Counsel this date. The Court determines that the Agreement to Release Bond did not contain the signature of the posting party, Harry J. Gluth. Counsel Tonner advises the Court that he will obtain the signature of Harry J. Gluth and he shall re-file the Agreement to Release Bond for Payment of Counsel. Counsel Tonner makes an oral

Minute Date: **3/7/2017**

Input Date: **Unavailable**

Notice Sent: YES

Order on File: NO

motion for separation of witnesses. Granted. Counsel for the Def. addresses the Motion to Clarify Search Warrants as filed on 10-31-16, and provides the Court with certified copies of the affidavit for search warrant by Det. Jason Woodruff, search warrant, order for search warrant and return of search warrant in Case Number 66C01-1606-MC-029, and

Minute Date: **3/7/2017**

Input Date: **Unavailable**

Visited on 06/28/2019

Notice Sent: YES
Order on File: NO

affidavit for search warrant by Pros.'s Investigator Michael Morphet, search warrants, orders for search warrant, and return of search warrant in 66C01-1606-MC-030, dated 6-2-16. The Court takes judicial notice of Pulaski Circuit Court Case Numbers 66C01-1606-MC-00029 and 66C01-1606-MC-00030. Clarification made by the Court that there were two

Minute Date: **3/7/2017**
Input Date: **Unavailable**
Notice Sent: YES
Order on File: NO

affidavits for search warrants and two search warrant orders in Case Number 66C01-1606-MC-030, issued on 6-2-16, and that the handwriting on the search warrant related to that one in Case Number 66C01-1606-MC-030 with the outbuilding being permitted to be searched was second in time. Counsel for the Def. orally requests the Court incorporate its

Minute Date: **3/7/2017**
Input Date: **Unavailable**
Notice Sent: YES
Order on File: NO

clarification of the search warrants into the Def.'s Motion to Suppress. A hearing is now held on the Def.'s Motion to Suppress Evidence, as filed on 10-31-16. Def, by counsel, presents his evidence. Def.'s Exhibits 1, 2, 3, 4, 5, 6, and 7 are marked for identification. Def.'s Exhibits 2, 3, 4, 5, and 7 are offered and admitted into evidence without objection.

Minute Date: **3/7/2017**
Input Date: **Unavailable**
Notice Sent: YES
Order on File: NO

Def.'s Exhibit 6 was offered into evidence, and was objected to by Pros. Atty., and counsel for Def. withdrew his request for the admission. State's Exhibit A was marked, offered, and admitted into evidence without objection of counsel. Counsel for the Def. orally requests that the Pros. Atty. provide Detective Woodruff's notebook as recovered by the Def.

Minute Date: **3/7/2017**
Input Date: **Unavailable**
Notice Sent: YES
Order on File: NO

Michael Franscoviak on his property. Pros. Atty. advises the Court that the proper procedure for Def.'s counsel would be to provide the State with a subpoena duces tecum. Counsel for the Def. orally requests to recall Detective Woodruff in relation to the issue of his notebook found on the Def.'s property. The Court hereby GRANTS the Def.'s Motion to Clarify

Minute Date: **3/7/2017**
Input Date: **Unavailable**
Notice Sent: YES
Order on File: NO

Orders, as filed on 10-31-16, and hereby incorporates that clarification of the search warrants into the Def.'s Motion to Suppress. The Court hereby reschedules the Def.'s Motion to Suppress Hearing to March 16,

Visited on 06/28/2019

2017, at 1:00 p.m. Eastern Time. All parties are ordered to appear. Order to follow. (E-Notice to Pros. Murphy) (Copy CCS to Ned J. Tonner) (MLD

Minute Date: **3/7/2017**
 Input Date: **Unavailable**
 Notice Sent: YES
 Order on File: NO

3-8-17) SLM

Minute Date: **1/17/2017**
 Input Date: **Unavailable**
 Notice Sent: YES
 Order on File: NO

The State appears by Daniel P. Murphy, Prosecuting Attorney. Defendant, Michael Franscoviak, appears with counsel, Ned Tonner. Pre-trial conference is held. Dates are confirmed. Final pre-trial conference is set for March 16, 2017 at 1:00 p.m. EST. Hearing on Motion to Suppress and Motion to Clarify set March 7, 2017, at 1:00 p.m. EST. Discovery Cutoff

Minute Date: **1/17/2017**
 Input Date: **Unavailable**
 Notice Sent: YES
 Order on File: NO

March 9, 2017. Jury Trial Set for April 11, 2017, and April 12, 2017, at 8:00 a.m. EST.
 mr (Copy CCS Murphy, Tonner)(MLD 1/18/2017)

Minute Date: **11/1/2016**
 Input Date: **Unavailable**
 Notice Sent: YES
 Order on File: NO

The State of Indiana appears by Daniel P. Murphy, Prosecuting Attorney. The Defendant, Michael Franscoviak, appears in person and with counsel, Ned Tonner. PTC is held. Dates are set. PTC is January 17, 2017, at 3:30 p.m. EST. Motion to Suppress/Motion to Clarify set March 7, 2017, at 1:00 p.m. EST. Discovery Cutoff Date set March 9, 2017. Final PTC set March 16,

Minute Date: **11/1/2016**
 Input Date: **Unavailable**
 Notice Sent: YES
 Order on File: NO

2017, at 1:00 p.m. EST. Trial dates set April 11, 2017 at 8:00 a.m. EST and April 12, 2017, at 8:00 a.m. EST.
 mr (Copy CCS Murphy, Tonner)(MLD 11/1/2016)

Minute Date: **10/31/2016**
 Input Date: **Unavailable**
 Notice Sent: YES
 Order on File: NO

Attorney Ned Tonner files Request for Clarification of Court Orders and Motion to Suppress Evidence. Hearing on these matters will be set at PTC on November 1, 2016 at 1:00 p.m. EST.
 mr (Copy CCS & filling Murphy, Tonner)(MLD 10/31/2016)

Minute Date: **10/13/2016**

Visited on 06/28/2019

Input Date: *Unavailable*
 Notice Sent: YES
 Order on File: NO

Attorney Ned Tonner files hard copies of Defendant's Response to State of Indiana's Motion For Discovery.
 mr (Copy CCS Murphy, Tonner)(MLD 10/13/2016)

Minute Date: **10/12/2016**
 Input Date: *Unavailable*
 Notice Sent: YES
 Order on File: NO

Attorney Ned Tonner files by facsimile Response to State of Indiana's Motion for Discovery.
 mr (Copy CCS Murphy, Tonner)(MLD 10/12/2016)

Minute Date: **9/29/2016**
 Input Date: *Unavailable*
 Notice Sent: YES
 Order on File: NO

Attorney Ned J. Tonner files hard copies of Motion to Continue.
 mr (Copy CCS Murphy, Tonner)(MLD 9/29/2016)

Minute Date: **9/27/2016**
 Input Date: *Unavailable*
 Notice Sent: YES
 Order on File: NO

Attorney Ned Tonner files Motion to Continue Pre-Trial Conference set for October 4, 2016, at 10:30 a.m. EST with proposed Order. The State has no objection. Hearing reset to November 1, 2016, at 1:00 p.m. EST. Order entered.
 mr (ORDER NOT IN RJ0)(Copy CCS & Order Murphy, Tonner)(MLD 9/27/2016)

Minute Date: **9/19/2016**
 Input Date: *Unavailable*
 Notice Sent: YES
 Order on File: NO

Defendant, by counsel, files Notice of Extension of Time to Respond to State of Indiana. Granted to and including October 15, 2016. Order entered.
 jt (ORDER NOT IN RJ0)(copy CCS & Order Murphy & Tonner)
 (MLD 09-22-16)

Minute Date: **8/2/2016**
 Input Date: *Unavailable*
 Notice Sent: YES
 Order on File: NO

The State appears by Daniel P. Murphy, Prosecuting Attorney. The Defendant, Michael Franscoviak, appears in person and with counsel, Ned Tonner. A PTC is held. By agreement of the parties, a PTC is set for October 4, 2016, at 10:30 a.m. EST. A jury trial is scheduled for April 11, 2017 and April 12, 2017 at 8:00 a.m. EST.

Minute Date: **8/2/2016**
 Input Date: *Unavailable*
 Notice Sent: YES

Visited on 06/28/2019

<p>Order on File: NO</p>
<p>mr (Copy CCS Murphy, Tonner) (MLD 8/2/2016)</p>
<p>Minute Date: 7/14/2016 Input Date: Unavailable Notice Sent: YES Order on File: NO</p>
<p>State of Indiana files its Notice of Response to Discovery. jt (copy CCS Murphy & Tonner) (MLD 07-15-16)</p>
<p>Minute Date: 7/14/2016 Input Date: Unavailable Notice Sent: YES Order on File: NO</p>
<p>State of Indiana files Motion for Discovery. Granted. The Defense Counsel is ordered to provide the State with the Discovery requested within thirty (30) days. Order entered. jt (ORDER NOT IN RJ0) (copy CCS & Order Murphy & Tonner) (MLD 07-15-16)</p>
<p>Minute Date: 7/8/2016 Input Date: Unavailable Notice Sent: YES Order on File: NO</p>
<p>Defendant, by counsel, files Motion for Discovery and Request for 404 and 405 Evidence. (Faxed pleadings.) jt (copy CCS Murphy & Tonner)</p>
<p>Minute Date: 6/20/2016 Input Date: Unavailable Notice Sent: YES Order on File: NO</p>
<p>Ned J. Tonner files Appearance Form (Criminal) Defendant. jt (copy CCS Murphy & Tonner) (MLD 07-01-16)</p>
<p>Minute Date: 6/8/2016 Input Date: Unavailable Notice Sent: YES Order on File: NO</p>
<p>State of Indiana files an Amended Appearance form for this cause. The Transaction Control Number is added. jt (copy CCS Murphy & Franscoviak) (MLD 06-14-16)</p>
<p>Minute Date: 6/6/2016 Input Date: Unavailable Notice Sent: NO Order on File: YES Order Location: Book: 112 Page: 10</p>
<p>Initial Hearing Order is entered. (ORDER IN RJ0) (Copy CCS & Order to Pros. Murphy, Michael J. Franscoviak) (MLD 6-6-16) SLM</p>

Visited on 06/28/2019

Minute Date: **6/6/2016**
 Input Date: **Unavailable**
 Notice Sent: YES
 Order on File: NO

Personal Appearance Bond with Ten Percent Cash Deposit filed on behalf of the Defendant by Harry J. Gluth.
 jt (copy CCS Murphy & Franscoviak)
 (MLD 06-14-16)

Minute Date: **6/3/2016**
 Input Date: **Unavailable**
 Notice Sent: NO
 Order on File: YES
 Order Location: **Book: 112 Page: 12**

Appearance for (Criminal) State of Indiana filed. State of Indiana files Affidavit for Probable Cause. Approved. State of Indiana files Information charging the Defendant with Count 1: Unlawful Possession of a Firearm by a Serious Violent Felon, a Level 4 Felony; Count 2: Dealing in Marijuana, a Level 5 Felony; Count 3: Possession of Methamphetamine, a Level 5 Felony;

Minute Date: **6/3/2016**
 Input Date: **Unavailable**
 Notice Sent: YES
 Order on File: YES

Count 4: Possession of Marijuana, a Level 6 Felony; Count 5: Maintaining a Common Nuisance, a Level 6 Felony; Count 6: Neglect of a Dependent, a Level 6 Felony; Count 7: Taking a Minor to a Nuisance, a Class A Misdemeanor. Notice of Intent to Seek Enhanced Penalty Based Upon Prior Conviction in Count 2. Bond set in the amount of \$35,000.00 cash only, 10%

Minute Date: **6/3/2016**
 Input Date: **Unavailable**
 Notice Sent: YES
 Order on File: YES

deposit. Order entered.
 mr (ORDER IN RJO) (Copy CCS & Order Murphy) (MLD 6/3/2016)

Minute Date: **6/3/2016**
 Input Date: **Unavailable**
 Notice Sent: YES
 Order on File: NO

State appears by Daniel P. Murphy, Prosecuting Attorney. The Def. Michael J. Franscoviak is produced into open court. IH is held. The Def. is sworn. The Def. is advised of the nature of the charges, elements of the charges, potential punishments, maximum and minimum sentences. Rights advised. Preliminary plea of not guilty is entered. The Def. advised the

Minute Date: **6/3/2016**
 Input Date: **Unavailable**
 Notice Sent: YES
 Order on File: NO

Court that he will privately retain counsel. PPTC and Omnibus is scheduled for August 2, 2016, at 10:00 a.m. Eastern Time. All parties are ordered to appear. The Def. is advised to notify the Court, the Pros.

Visited on 06/28/2019

Atty, his bonding agent, and his attorney within 2 bus. days in writing of any change of address. Order to follow. (Copy CCS to Pros. Murphy,

Minute Date: **6/3/2016**
 Input Date: **Unavailable**
 Notice Sent: YES
 Order on File: NO

Michael J. Franscoviak c/o PC Jail) (Distributed 6-3-16) SLM

Financial Information

Payor	Recipient	Due Date	Description	Fine Amount	Paid
FRANCOVIK, MICHAEL J			SPECIAL DEATH BENEFIT	\$0.00	\$5.00
			6/7/2016 #172806 LOCAL CHECK		\$5.00
FRANCOVIK, MICHAEL J			CASH BONDS	\$0.00	\$3500.00
			6/7/2016 #172806 LOCAL CHECK		\$3500.00
			<i>total</i>	<i>\$0.00</i>	<i>\$3505.00</i>