

WAYNE CIRCUIT COURT  
Entry

CAPTION: STATE OF INDIANA vs. ALFRED RUF

CAUSE NO.: 89C01-2201-F2-000001

JUDGMENT AND SENTENCE

This matter is called for hearing on the Plea Agreement filed by the parties on July 3, 2024. The defendant, Alfred Ruf, appears in person, with counsel, John L. Tompkins. Casey Morgan, Deputy Prosecuting Attorneys, appear for the State of Indiana. Tim Jackson, Probation Officer, also appears.

Attorney for the defendant informs the Court that defendant desires to withdraw defendant's plea of not guilty and to enter a plea of guilty to the charge of Count II: Aggravated Battery, a level 3 felony, as filed in the Amended Information.

After advising the defendant of his constitutional guarantees and the possible consequences of a plea of guilty in this cause, the defendant withdraws the plea of not guilty and states in Court, "I am guilty" to the charge of Count II: Aggravated Battery, as filed in the Amended Information.

A factual basis is established in order to accept the defendant's guilty plea. The Court, having heard the evidence and statements of counsel, and having examined and considered the Presentence Investigation Report, accepts the defendant's guilty plea, and finds the defendant guilty of Count II: Aggravated Battery, I.C. 35-42-2-1.5, a level 3 felony.

IT IS THEREFORE ORDERED AND ADJUDGED that the defendant, Alfred Ruf, is guilty of the crime of Count II: Aggravated Battery, I.C. 35-42-2-1.5, a level 3 felony, as filed in the Amended Information.

IT IS FURTHER ORDERED that JUDGEMENT OF CONVICTION be, and hereby is entered against Defendant, Alfred Ruf, on the charge of Count II: Aggravated Battery, I.C. 35-42-2-1.5, a level 3 felony.

Evidence and argument are heard. The Presentence Investigation Report filed in this cause is examined upon sentencing and the review of the same by the parties and the Court is discussed on the record.

After considering the evidence and arguments of counsel, the Presentence Investigation Report, and the various factors, including those set forth in I.C. 35-38-1-7.1, IT IS ORDERED AND ADJUDGED that the Defendant, Alfred Ruf, is committed to the custody of the Indiana Department of Correction, for a period of nine (9) years with five (5) years of the sentence suspended.

The defendant shall be released on probation for the balance of the sentence after serving four (4) years on condition that he shall hereafter behave well and abide by the rules and conditions of probation, as contained in Court's Exhibit 1.

At the time of sentencing, the defendant was advised of the terms of probation and given a copy of Court's Exhibit 1 setting forth the conditions of probation.

In entering such sentence, the Court has considered the aggravating and mitigating circumstances in this case, including but not limited to those set forth in I.C. 35-38-1-7.1 (a) and (b), as well as aggravating and mitigating circumstance pursuant to I.C. 35-38-1-7(c).

The aggravating circumstances which the Court finds to exist are:

The victim of the offense was a person with a disability and the defendant knew or should have known that the victim was a person with a disability. The Court provides some weight to this aggravating circumstance.

The defendant was married to the victim and due to the nature of the relationship, had access to the Victim's day-to-day life and was aware of vulnerabilities of the victim. The Court provides some weight to this non-statutory aggravating circumstance.

The nature of the crime when balanced with other non-violent ways that the defendant could have extracted himself from the turbulent relationship with the victim. The Court provides some weight to this non-statutory aggravating circumstance.

The mitigating circumstance that the Court finds are:

The crime was a result of circumstances unlikely to recur. The Court provides some weight to this mitigating circumstance.

The defendant has no history of delinquency or criminal activity, or the defendant has led a law-abiding life for a substantial period before the commission of the crime. The Court provides some weight to this mitigating circumstance.

The defendant is likely to respond affirmatively to probation or short-term imprisonment. The Court provides some weight to this mitigating circumstance.

The character and attitudes of the defendant indicate that the person is unlikely to commit another crime. The Court provides some weight to this mitigating circumstance.

Imprisonment of the person will result in undue hardship to the defendant due to health concerns. The Court provides some weight to this mitigating circumstance.

The defendant pleaded guilty to the offense prior to trial, therefore saving the Court, the State, and witnesses with the time and expense of trial. The Court provides some weight to this non-statutory mitigating circumstance.

The defendant expressed genuine remorse for the offense. The Court provides some weight to this non-statutory mitigating circumstance.

The defendant was cooperative with law enforcement throughout the investigation. The Court provides some weight to this non-statutory mitigating circumstance.

The Court further orders that the \$5,000.00 cash bond posted in this cause be applied as follows: \$189.00 Court costs; \$5.00 Special Death Benefit Fee; \$50.00 Clerk Administrative Fee; \$100.00 Probation Initial User Fee; \$100.00 Probation Administrative Fee; \$30.00 for the first month of the \$30.00 monthly probation fees; and the remainder to be returned to Donald Ruf, 10149 S. St. RD. 3, Milroy, IN 46156.

Punishment or imprisonment of the defendant for failure to comply with Court ordered financial obligations shall not occur unless the defendant recklessly, knowingly, or intentionally fails to pay.

The Court orders that the defendant be given credit for time the defendant remained in the Wayne County Jail in the custody of the Sheriff of Wayne County pending disposition of the charge, to-wit: 18 days, and an additional good time credit of 6 days, said time calculated as follows:

January 3, 2022, to January 5, 2022; and  
January 12, 2022, to January 26, 2022.

Any liens created by the bond in this case are released.

On Motion by the State, Count I of the Information is dismissed.

Defendant is further ordered to submit a DNA sample as required by law.

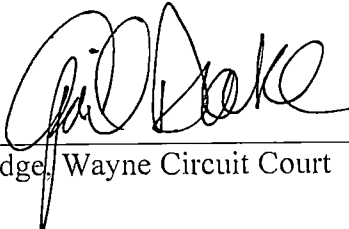
The Court finds that this cause is now closed by sentencing.

The defendant is remanded to the custody of the Sheriff of Wayne County, Indiana, for delivery to the Indiana Department of Correction, for the execution of the within judgment and sentence.

For each offense the Defendant herein was sentenced, the Court further orders that, if not already completed, a Transaction Control Number (TCN) be generated by the Wayne County Sheriff's Department pursuant to I.C. 35-38-1-28, and that this information be provided to the Wayne County Prosecutor's Office and Indiana State Police as required under the same statute.

IT IS FURTHER ORDERED that the Sheriff make a return on any outstanding arrest warrant issued in this cause, which return shall state that the warrant has been recalled.

Dated: August 26, 2024

  
\_\_\_\_\_  
Judge, Wayne Circuit Court

c: Casey Morgan Deputy Prosecutor  
John L. Tompkins, Counsel for Defendant  
Wayne County Probation  
Sophia Mitchell, Wayne County Jail

Copies sent \_\_\_\_\_

WAYNE CIRCUIT COURT

STATE OF INDIANA

v.

CAUSE NO. 89C01-2201-F2-000001

ALFRED RUF

CONDITIONS OF PROBATION

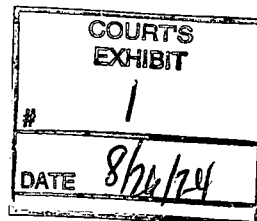
The Defendant has received a sentence which has been suspended in part. The Defendant shall be placed on probation during that part of his sentence which he is not incarcerated. The Defendant's period of probation commences immediately upon release from incarceration and continues for the term of Defendant's suspended sentence.

The Defendant shall:

1. Violate no criminal law and possess no firearm or deadly weapon.
2. Report to the Wayne County Probation Office at the times and places and in the manner as directed by the Probation Officer and permit the Probation Officer to visit Defendant at Defendant's home or elsewhere.
3. Report to the Probation Officer within seventy-two (72) hours any arrest, citation, or questioning by any law enforcement officer.
4. Obtain written permission from the Probation Officer before:
  - (a) Changing place of residence
  - (b) Leaving the State of Indiana
  - (c) Quitting or changing employment.
5. Consent to a search of defendant's person and/or property and/or automobile owned or operated by him at the request of his Probation Officer or any law enforcement officer.
6. Pay statutory Court costs within ninety (90) days of entering probation or in accordance with a schedule to be arranged by the Probation Officer.
7. Pay to the Probation Department an initial probation user's fee of \$100.00 upon entering probation and a further fee of \$30.00 each month thereafter while remaining on probation.
8. Refrain from the use or possession of narcotics and other unlawful substances except as lawfully medically prescribed, and to consent to and participate in all tests and examinations requested by the Probation Officer or treating agency to determine if Defendant has taken prescribed medication or engaged in prohibited substance abuse or consumption of alcoholic beverages, and paying the cost of such test or examination; consent to the release of information which the Probation Officer may request from the treating agency, and executing documents to evidence such consent upon request. The treating agency is ORDERED to inform the Probation Officer of any violation of any condition of this term of probation by Defendant.
9. Diligently participate in and successfully complete such counseling or substance abuse treatment as will be arranged by the Probation Officer with any social service agency or facility.

Initials:

*AWR:JLT*



10. Satisfactorily and diligently perform 32 (32) hours of community service per week in a program approved by the Wayne County Probation Department, with the defendant to receive one (1) hour credit against each weekly community service requirement for each hour Defendant spends in gainful private employment during such week, provided such employment is approved by the Probation Department. Defendant shall furnish the Wayne County Probation Office and/or the Wayne County Community Corrections Office with proper verification of the hours spent in gainful employment. (The Probation Officer may reduce the community service requirement as circumstances necessitate by written agreement with the defendant.)

11. Execute all written consents and provide other documents, requested by the Probation Officer, to permit the Probation Officer to ensure the compliance of any and all conditions of probation.

12. Defendant shall not enter into any agreement or contract with any law enforcement agency to act as an informant, drug buyer or assist in undercover police activities.

13. Report to the Probation Officer at the Wayne County Probation Department within three (3) days from the date of release from incarceration, or from the sentencing date, if no incarceration is imposed.

14. Pay to the Probation Department an administrative fee of \$100.00. This fee shall be paid and collected prior to any other probation initial or monthly fee.

15. The use of methadone as well as its generic equivalent is not approved by Wayne Circuit Court. Accordingly, any use of this substance by a probationer may be cause for a probation violation to be filed with the Court.

16. Notwithstanding the community service obligation set forth in rhetorical paragraph number 10, the defendant shall satisfactorily and diligently perform 100 hours of community service during the term of probation.

~~17. Have no knowing contact with the victim of this offense without the proper written consent of the Probation Officer, and promptly report to the Probation Officer any contact or communication had with the victim, even if the same be accidental.~~

18. Refrain from the consumption of alcohol and do not frequent any establishment that sells alcoholic beverages.

19. Shall not knowingly make a false report or deceive the Probation Officer regarding any matter applicable to probationary supervision.

20. In accordance with I.C. 10-13-6, provide a DNA sample if convicted of a felony offense.

21. Defendant shall provide complete and truthful testimony during any proceeding involving any co-defendants to this cause. This includes, but is not limited to, depositions, hearing on pre-trial matters, trial, and/or sentencing. Failure to provide truthful testimony as required by this condition will be considered a violation of probation, and may serve as a basis for a petition to revoke probation.

Initials: AWR; SE

I have been advised of the preceding terms and conditions of probation and have received a copy of this document at the time of sentencing. I understand that violation of any of the conditions of probation may result in revocation of my probation and that I may be ordered to serve the now suspended portion of my sentence as a consequence.

I also understand that a petition to revoke probation can be filed within one (1) year after probation terminates for a violation occurring during probation if a petition to revoke probation is filed within forty-five (45) days of the State obtaining notice of the violation.

Signed at the time of sentencing this 26th day of August, 2024.

Alfred Wayne Ruf  
Defendant

John J. Williams  
Attorney for Defendant 19527-19

Chad R. Baker  
Judge, Wayne Circuit Court

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IN THE WAYNE CIRCUIT COURT

Cause No. 89C01-2201-F2-000001

State of Indiana

v.

Alfred Ruf

AGREEMENT OF PROBATION

I have been placed on probation and have met with the Probation Officer.

I understand the rules of probation attached to this Agreement.

I will follow these rules of probation. I have been advised and I understand that if I violate any of the rules or conditions of my probation during my probationary period that I am subject to arrest, detention and/or a Petition to Revoke my probation may be filed before the earlier of: one (1) year after the termination of probation, or: forty-five (45) days after the State receives notice of the violation.

If I leave the State of Indiana without first receiving written permission of the Probation Officer, or if I fail to return at the time designated, I expressly waive all rights of extradition and consent to return to the State of Indiana in the custody of any law enforcement officer without the necessity of further proceedings of any nature.

I acknowledge receipt of a copy of this agreement and the attached rules.

Alfred Wayne Ruf  
Defendant

Dated: 8-26-24

ATTEST: [Signature]  
Probation Officer