

MOTION FOR DEPARTMENT OF CORRECTIONS PROGRESS REPORT (Re-sentencing)

The Defendant, by counsel, respectfully requests this Court order the Indiana Department of Corrections to prepare a progress report detailing the Defendant's conduct since incarcerated. In support of the request, the Defendant would show the Court as follows:

1. On [insert date], the Defendant was sentenced to [insert sentence] for [insert conviction(s)].
2. On [insert date], the Court of Appeals vacated the Defendant's sentence and remanded the case to the trial court for re-sentencing.
3. A progress report would assist in determining the appropriate sentence to be ordered at the re-sentencing. Smith v. State, 695 N.E.2d 909 (Ind. 1998) (conduct between the time of an original sentence and re-sentencing is a relevant consideration at re-sentencing).
4. In order to aid this Court in determining the proper sentence, a progress report should be prepared by the Indiana Department of Corrections.

WHEREFORE, the Defendant, by counsel, respectfully requests this Court order [insert prison name, prison address and case manager's name] to prepare a progress report detailing the Defendant's conduct since incarcerated for filing with this Court, copies to be provided to defense counsel and the State of Indiana, and for all other relief just and proper in the premises.

(Signature)