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FOR IMMEDIATE RELEASE

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**JUDGE DENIES CONVICTED KILLER'S
MOTION FOR MODIFICATION OF SENTENCE**

Muncie Indiana – Earlier today, the Honorable Linda Ralu Wolf, Judge of the Delaware County Circuit Court No. 3 denied a Motion for Sentence Modification filed by convicted murderer Harold “Pookie” Nettles (DOB 10/18/1954). Specifically, Nettles requested that he be allowed to serve the remainder of his 120 year sentence on electronic home detention.

On December 12, 1988, after a six (6) day jury trial, the Nettles was convicted of brutally killing Brenda Freeman and her five-year-old son Michel Tyrone Carmichael. On January 5, 1989, the Honorable Robert L. Barnet imposed a sixty (60) year sentence on each count and ordered that they be served consecutively for a total aggregate sentence of 120 years. Before imposing the sentence, the Court stated, “this was a monstrous crime,” “these crimes shocked the consciousness of the entire community,” and “I have detected no remorse on the part of the defendant.” The Court also noted that “the defendant has a history of criminal activity including a 1985 burglary conviction with involved the invasion of a home, forgery conviction, a charge of aggravated assault” and that “the defendant was released from prison recently (October 1986).” Additional facts of the crime can be found in attached State’s Objection to the Motion for Modification.

In Indiana, a violent offender is required by law to obtain the consent of the prosecuting attorney in order to be considered for a sentence modification. Prosecuting Attorney Eric Hoffman has said numerous times that “as long as I am Prosecutor in Delaware County, I will not agree to a reduction of a violent criminal’s sentence.” On July 13, 2023, the Prosecuting Attorney of Delaware County filed an Objection (to any modification of Nettles sentence. The objection read in part:

The mere passage of time does not erase the pain and suffering inflicted at the hands of violent criminals...The Defendant herein is not only a convicted two (2) time convicted killer, he is also a child killer. This Prosecuting Attorney does not consent to the early release of violent criminals. This Defendant deserves to serve every minute of his sentence that was imposed. If that means dying in prison, so be it. To quote the Court’s Sentencing Order, “[t]he people of this community have a right to be secure and safe, especially in their own homes, without having to worry about people like the defendant.”

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STATE OF INDIANA) IN THE DELAWARE CIRCUIT COURT NO. 3
) SS:
COUNTY OF DELAWARE) CAUSE NUMBER: 18D01-8801-CF-02

STATE OF INDIANA)
)
VS)
)
HAROLD NETTLES)
a/k/a POOKIE NETTLES)

**STATE OF INDIANA'S
OBJECTION TO DEFENDANT'S MOTION FOR MODIFICATION**

COMES NOW, the State of Indiana by Eric M. Hoffman, Prosecuting Attorney within and for the 46th Judicial Circuit of Indiana, and files this Objection To Defendant's Verified Petition for Home Detention, and would show the Court the following:

1) On June 1, 2023, the Defendant filed a document entitled Verified Petition for Home Detention. This document is legally considered a Motion for Sentence Modification.

2) At the time the Defendant's sentence was imposed, I.C. § 35-38-1-17(b) provided that "If more than three hundred sixty-five (365) days have elapsed since the convicted person began serving the sentence and after a hearing at which the convicted person is present, the court may reduce or suspend the sentence, subject to the approval of the prosecuting attorney." This Motion has been filed more than 365 days after the Defendant began serving his sentence. Thus, his sentence cannot be modified without the

consent of the prosecuting attorney. The prosecuting attorney does now, nor will he ever, consent for this Defendant to receive a sentence modification.

3) In 2014, the sentence modification statute was amended. Even under the amended statute, the Defendant is not entitled to relief. I.C. 35-38-1-17(k) provides:

A convicted person who is a violent criminal may, not later than three hundred sixty-five (365) days from the date of sentencing, file one (1) petition for sentence modification under this section without the consent of the prosecuting attorney. After the elapse of the three hundred sixty-five (365) day period, a violent criminal may not file a petition for sentence modification without the consent of the prosecuting attorney.

A “violent criminal” is defined by the same statute as a person who was convicted of murder. I.C. § 35-38-1-17(d)(1). The Defendant herein has been convicted of two (2) separate and distinct murders, thus he is a “violent criminal” for purposes of the sentence modification statute. This Motion has been filed well after 365 after the date of sentencing. Thus, in order to even file a petition for sentence modification the Defendant needed the “consent of the prosecuting attorney.” The prosecuting attorney has not and will not ever give consent for this Defendant to file a petition for modification of sentence. Consequently, the Defendant had no legal authority to file a Petition for sentence modification.

4) Additionally, the Defendant has been convicted of two (2) counts of murder and is asking that he be placed in the Delaware County Community Corrections home detention program. However, those individuals convicted of

murder are statutorily precluded from being placed on home detention. I.C. § 35-38-2.6-1(b)(2)(A).

5) Given the nature and circumstances of the crimes for which the Defendant was convicted, the State could not care less what programs the Defendant completed while in prison. This pales in comparison to the sheer brutality of his crime. The Defendant brutally slaughtered a woman and her 5 year-old son in their own home. The facts most favorable to the convictions are as follows:

The victims in this case were Brenda Freeman and her five-year-old son, Michael Tyrone Carmichael. They lived with Syrona Lynn Haines. Prior to the killings, [defendant] and Haines had been having a relationship, and [defendant] had spent a number of nights at the apartment. Haines testified she last saw the victims alive when she left the apartment on December 26, 1987.

On the evening of December 28, 1987, [defendant] was seen leaving the apartment. Haines returned home about 3:00 p.m. on December 29 and discovered the bodies of the victims. She immediately called police. She testified that [defendant] often wore a maroon sweat shirt with "Harvard" on the front. Several other witnesses also testified that [defendant] had been seen wearing such a sweat shirt.

On the day the bodies were discovered, [defendant] was seen running through nearby yards wearing the sweat shirt. Daisy Bonner testified that she saw [defendant] take off the sweat shirt and drop it in Elizabeth Isom's yard. Elizabeth's son, Virgil Isom, retrieved the sweat shirt and it was turned over to police. Blood was found on the sweat shirt which was inconsistent in type with [defendant]'s or the child's blood but was consistent with the mother's blood. Tests also revealed that there was hair on the sweat shirt which matched [defendant]'s hair as well as hair matching that of both victims.

At the scene of the murders, bloodstains were found that were inconsistent with the two victims' blood but which were consistent

with [defendant]'s blood. Police also obtained a bloody fingerprint from the kitchen which matched [defendant]'s prints with seven points of comparisons. Police also found a Salem cigarette butt in the apartment, a brand which [defendant] was known to smoke.

Dr. James Baldwin performed autopsies on the victims and stated that the child had four stab wounds in the back, one of which went through his heart. His body contained a total of sixteen stab wounds. As to the mother's injuries, Dr. Baldwin stated there were multiple gaping lacerations on the victim's scalp and face. Her face alone contained approximately forty separate wounds. She sustained blunt-instrument injuries which probably were inflicted by a broken steam iron that was found nearby. She also sustained multiple stab wounds to the chest, back, arms, and hands including at least seventy separate punctures of her chest. Comparison of the wounds with instruments found in the apartment showed that the wounds matched knives and a meat fork.

At the time of his arrest, [defendant] had multiple cuts on his hands. These cuts were photographed and Dr. John E. Pless testified that some cuts on [defendant]'s hands were inflicted by a serrated knife. Such a knife was found at the crime scene. An H-shaped wound on [defendant]'s hand matched the handle of the broken iron.

Nettles v. State, 565 N.E.2d 1064, 1065–66 (Ind. 1991). On December 12, 1988, after a six (6) day jury trial, the Defendant was convicted of two (2) counts of murder. On January 5, 1989, the Honorable Robert L. Barnet conducted a sentencing hearing. After hearing sitting through the entire trial, hearing all the evidence and arguments, the Court stated, “this was a monstrous crime,” “These crimes shocked the consciousness of the entire community,” and “I have detected no remorse on the part of the defendant.” The Court noted that “the defendant has a history of criminal activity including a 1985 burglary conviction with involved the invasion of a home, forgery conviction, a charge of

aggravated assault” and that “the defendant was released from prison recently (October 1986).” The Court then imposed a sixty (60) year executed sentence on Count 1 and a sixty (60) year executed sentence on Count 1. The Court ordered the sentences to be served consecutively for a total aggregate sentence of 120 years.

6) The mere passage of time does not erase the pain and suffering inflicted at the hands of violent criminals. The idea of giving criminals “a second chance has been tried in many ways and at enormous cost to those victimized by them. The only thing I know that works is putting criminals behind bars and keeping them there.” Thomas Sowell, Senior Fellow at Hoover Institution, Stanford University, letter to Mayor of New York City, Edward Koch, September 27, 1995. The Defendant herein seeks mercy from the Court. However, mercy to the guilty is cruelty to the innocent. Any showing of mercy to Harold Nettles would show intolerable cruelty to the memory of Brenda Freeman and that of her five-year-old son, Michael Tyrone Carmichael. The Defendant herein is not only a convicted two (2) time convicted killer, he is also a child killer. This Prosecuting Attorney does not consent to the early release of violent criminals. This Defendant deserves to serve every minute of his sentence that was imposed. If that means dying in prison, so be it. To quote the Court’s Sentencing Order, “[t]he people of this community have a right to be secure and safe, especially in their own homes, without having to worry about people like the defendant.” Sentencing Order, pg. 3.

7) As an aside, the State notes that the Defendant has attached what appears to be the signatures of multiple character references. The Defendant's crimes were violent, heinous, and vicious. The Defendant's character can only be described as disturbing, depraved, and malicious. Given the actual facts and circumstances surrounding the Defendant's crimes, the State finds it very hard to believe that these purported "character references" actually know the real Harold Nettles.

WHEREFORE, the State of Indiana respectfully requests that the Court summarily deny the Motion for Sentence Modification and for all other relief just and proper in the premises.

Respectfully submitted,

/s/ 

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46th Judicial Circuit of Indiana

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CERTIFICATE OF SERVICE

The undersigned attorney hereby certifies that a copy of the foregoing has been served on the following counsel of record via electronic mail, facsimile, U.S. Mail, postage prepaid, or by placing a copy of the same in the appropriate mail receptacle in the Delaware County Justice Center on or before the date of filing herein:

Harold Nettles DOC # 890107
Indiana State Prison
One Park Row
Michigan City, IN 46360

/s/ 
Eric M. Hoffman