



**OFFICE OF THE PROSECUTING ATTORNEY  
ERIC M. HOFFMAN, PROSECUTOR  
46TH JUDICIAL CIRCUIT  
DELAWARE COUNTY, INDIANA**

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**FOR IMMEDIATE RELEASE**

From: Eric M. Hoffman, Prosecuting Attorney  
Date: July 29, 2021

**JUDGE GRANTS EARLY RELEASE OF CONVICTED DRUG DEALER  
DESPITE OBJECTIONS OF PROSECUTORS**

*Muncie Indiana* – On today's date Delaware County Circuit Court Judge 2 Kimberly Dowling issued an order releasing convicted drug dealer Marco Contreras-Desilva over the adamant objections of prosecutors. Contreras-Desilva was originally sentenced to ten years with 6 years executed in prison and the balance served on probation in October 2019 after he was convicted of Dealing in a Schedule I Controlled Substance (Ecstasy/MDMA), a Level 2 Felony.

According to the Affidavit of Probable Cause filed in the case, undercover investigators made multiple purchases of Ecstasy/MDMA from Contreras-Desilva. Upon his arrest, Contreras-Desilva admitted the following to police investigators:

- Traveling to Indianapolis to buy the drugs to bring back and sell in Muncie to BSU students.
- Dealing ½ to 1 full ounce of Ecstasy/MDMA every week. He typically sells 3 grams at a time for \$300.
- Making approximately \$1,400 every week, around \$6,000 every month in profit from his dealing.
- He dealt drugs for pure financial gain and not to support an addiction.



Marco Contreras-Desilva

After his arrest, police searched Contreras-Desilva's body. They found a baggie containing 21 grams of Ecstasy/MDMA tied to his genitals. Officers searched his home and found a shoebox under his bed containing 25 grams of Ecstasy/MDMA, three hits of acid, marijuana, digital scales, and empty pill capsules that he said he would use to fill with the Ecstasy.

At his sentencing hearing, the Court found that the following facts supported an enhanced sentence:

1. There was a substantial degree of care and planning involved in the commission of these offenses and the Defendant's role was that of principal; and the Court gives this factor some weight.
2. The defendant has a history of criminal and delinquent behavior. As an adult, the defendant has been charged with fourteen (14) misdemeanor charges and five (5) felony charges, including the instant offenses, resulting in two (2) misdemeanor convictions and one (1) felony conviction, this would be the defendant's first felony conviction. One felony case in Cause NO. 18C02-1503-F6-00042 was dismissed on April 12, 2018 after participation in the Pre-Trial Diversion program; and the Court gives this factor some weight.
3. The crime was against the community at large. Delaware County, Indiana is experiencing a drug epidemic and the defendant by his actions contributed to this epidemic; and the Court gives this factor some weight.
4. The defendant is in need of correctional or rehabilitative treatment that can best be provided by commitment of the person to a penal facility. Prior attempts at correctional treatment and rehabilitation through pre-trial diversion, probation and the Court Alcohol program has not been successful; and the Court gives this factor some weight.
5. The nature of the offense would support an enhanced sentence. The Defendant did deliver MDMA on 3 occasions which is a danger to society.

See the Court's Sentencing Order which is attached.

The Prosecutor's Office adamantly disagrees with the decision to release Contreras-Desilva back into the community. Ecstasy/MDMA is a synthetic drug derived from amphetamine that alters mood and perception. It is chemically similar to stimulants and hallucinogens. There are many adverse side effects to using this drug including:

- Hemorrhaging
- Memory loss
- Paranoia
- Rapid mood swings
- Depression
- Psychosis
- Cardiovascular collapse
- Hypothermia

First, Marco Contreras-Desilva is a "true drug dealer." He doesn't sell small amounts to support his own drug habit. By his own admission he travels to Indianapolis to purchase bulk quantities of the drug and then comes back to our community and sends this poison into the streets for the sole purpose of making money. Moreover, he has only served a third of his sentence.

Second, I will never understand nor support the idea of letting a convicted violent felon or drug dealer modify out of prison simply because they have done “well” while in prison. They are in prison, they are supposed to do well and rehabilitate themselves. More importantly, there is already a system in place in the law that allows for a reward for good behavior – it’s called good time credit. In Indiana, you are only required to serve 75% of your sentence. Inmates are routinely released from prison after serving only 75% because they have behaved well. Moreover, there are other early release programs such as time cuts for completing educational programming. At the modification hearing, Contreras-Desilva admitted to Deputy Prosecutor Andrew Ramirez that he knows about the time cut programs and that he has already had time cut off his sentence for completing various program. Additionally, there is a program called the Community Transition Program where the DOC releases inmates from prison a few months early to get reintegrated into society. A sentence modification serves no purpose but to reward the convicted criminal.

Third, Delaware County Prosecutor Eric Hoffman is an ardent believer in truth in sentencing and finality in the criminal justice system. In recent years, courts, legal scholars, and commentators often have discussed the lack of finality in the criminal justice system. Absent extraordinary circumstances, once a lawful sentence is imposed, that the offender should complete their sentence. This is especially true of crimes of violence. Anything less would be an insult to the innocent victims of the crime and to the justice system as a whole. Justice demands and victims deserve finality of judgment and truth in sentencing. The law favors finality because litigation, at some point, must end so the courts can hear other business and the parties can move on with their lives. Without a certain end to litigation, the judicial system could come to a standstill, those parties with vast resources could postpone a final judgment and thwart justice, and society could lose faith in the justice system. As former U.S. Supreme Court Justice Powell once said:

At some point the law must convey to those in custody that a wrong has been committed, that consequent punishment has been imposed, that one should no longer look back with the view to resurrecting every imaginable basis for further litigation but rather should look forward to rehabilitation and to becoming a constructive citizen.

The bottom line is, as the old adage says, simple: if you can’t do the time, don’t do the crime. However in this case, it seems that crime does indeed pay.

# # #

Contreras-Desilva PC

STATE OF INDIANA ) IN THE DELAWARE COUNTY COURTS
) SS:
COUNTY OF DELAWARE )

AFFIDAVIT OF PROBABLE CAUSE FOR ARREST WITHOUT WARRANT

COMES NOW Tim Mitchell, a Police Officer of the Delaware County Sheriff's Department, and being first duly sworn upon his/her oath, deposes and says that the following described person was arrested without warrant based upon the charges, facts and circumstances herein after stated, and makes this affidavit for the purpose of establishing probable cause for said arrest.

NAME OF ARRESTEE: Marco Contreras-Desilva DOB: 10-6-1991

ADDRESS: 3409 W Wheatfield Ln

DATE OF ARREST: 8-3-2018 TIME OF ARREST: 3:12pm

- CHARGES: Possession Cocaine or Narcotic A LEVEL 2 [X] FELONY [ ] MISDEMEANOR
CHARGES: Possession Cocaine or Narcotic A LEVEL 2 [X] FELONY [ ] MISDEMEANOR
CHARGES: Dealing Cocaine or Narcotic A LEVEL 4 [X] FELONY [ ] MISDEMEANOR
CHARGES: Dealing Cocaine or Narcotic A LEVEL 4 [X] FELONY [ ] MISDEMEANOR
CHARGES: Possession Cocaine or Narcotic A LEVEL 5 [X] FELONY [ ] MISDEMEANOR
CHARGES: Maintaining Common Nuisance A LEVEL 6 [X] FELONY [ ] MISDEMEANOR
CHARGES: Maintaining Common Nuisance A LEVEL 6 [X] FELONY [ ] MISDEMEANOR
CHARGES: Resisting Law Enforcement A LEVEL A [ ] FELONY [X] MISDEMEANOR
CHARGES: Possession Paraphernalia A LEVEL A [ ] FELONY [X] MISDEMEANOR
CHARGES: Possession Marijuana A LEVEL A [ ] FELONY [X] MISDEMEANOR

The basis and reasons why this Officer believes that said Arrestee committed the aforementioned offense(s) in Delaware County, State of Indiana are as follows:

The Delaware County Narcotics Unit has been investigating the sale and the use of the popular college party drug known as Molly near the Ball State area. Investigations and undercover drug buys soon began which lead to the following.

**Buy 1**

On 7-28-2018 the Delaware County Narcotics Unit conducted its first investigation reference Brandon Huston and his address of 1005 W Bethel Ave. I, Deputy Mitchell, along with Cpl D Williams, Deputy T Parks and a confidential informant (CI) met at a prearranged location. The CI stated Huston was selling Molly. "Molly," slang for molecular, is the pure crystalline powder form of the popular club drug MDMA, which, in pill form, is known as ecstasy and is often mixed with other substances, such as caffeine. This drug is commonly used at Rave parties on the college scene. Deputy Parks monitored text messages between the CI and Huston for this investigation and arrangements were made for the CI to go to Huston's residence to purchase \$310 worth of Molly.

Deputy Parks searched the CI's person finding no drugs or monies. He provided the CI with \$310 US currency from the Narcotic's Unit's fund for the purchase that was photographed prior. He also provided the CI with audio and video recording devices. Deputy Parks was operating as an undercover officer (UC) and would also be operating a recording device. He would also be monitoring audio.

Deputy Parks drove from the meeting location with the CI as passenger and dropped the CI off in the alley behind Huston's residence. Deputy Parks monitored the CI walk beside the residence toward the front and I was able to witness the CI walk from the back, knock on the door, and enter the residence. Video evidence would show Huston open the door to let the CI in. Huston soon sat on the floor and chatted with the CI and a female (later identified as Huston's girlfriend Sarah Pierce). Pierce asked about "Marco" and Huston said, "He's about to be here." Then Huston looked at his phone and said, "He said ten." Which implied to us that Marco would be there in 10 minutes. Huston then advised the CI that when he talked to Marco earlier that he was, "taking a load to his mom's". Huston later told the CI to, "Give him 310 because he's bringing a gram for the 10". Video evidence would then show Huston count the buy money we had provided to the CI. Deputy Parks, monitoring an audio device, advised to assisting Deputies the subject delivering the Molly may be driving the black car he had witnessed arrive in the alley and park behind Huston's residence. Soon there was a knock at the door and evidence would prove Marco had arrived. Audio evidence would reveal someone say, "Some fire shit. It's right on point." The term fire is used to describe a drug that is of high quality, and the phrase, "on point" refers to the weight of the drug being accurate to what it was being sold for. Before leaving Huston asked the CI to let him know if the CI liked what he had sold. Marco later confessed during his interview on 8-3-2018 that he did in fact meet at Huston's residence during this investigation, and to selling Molly.

Eventually I witnessed the CI exit the front of the residence and walk toward the alley in the back. Deputy Parks took over monitoring and the CI got back into Deputy Parks' vehicle. The CI was never out of sight going to and from Huston's residence. The CI handed Deputy Parks a plastic baggie containing a brownish in color rocklike substance. I drove down the alley to find a black Toyota car displaying license plate 'SED255' parked behind Huston's residence. I checked BMV records to find it was registered to Jose Contreras with an address of 3206 W Cypress Dr. A check of this address in our computer system showed a male subject named Marco Contreras-Desilva had also lived at the address. Further investigation proved on 5-31-2018 Delaware Co Sheriff Deputy Stash Hellis had stopped this same vehicle and issued the driver Marco Contreras-Desilva a citation.

Deputy Parks drove the CI back to the original meeting location where he re searched the CI's person finding no drugs or monies. The evidence later provided Parks a digital scale reading of 3.5 grams and a positive field test result, using a field test kit for Methaqualone. Methaqualone is an addictive, or habit-forming, synthetic drug that alters brain function. It is also part of the chemical makeup for (MDMA) Molly, and according to the Drug.com website, listed as a Schedule 1 drug. This is the same drug class as heroin.

**Buy 2**

On 7-30-2018 the Delaware County Narcotics Unit conducted its second investigation reference Brandon Houston and Marco Contreras-Desilva. I, Deputy Mitchell, along with Deputies T Parks and S Wright, and a confidential informant (CI), met at a prearranged location. The CI had communicated with Houston through text messages reference purchasing more Molly, which Deputy T Parks monitored. Some of the discussion was Huston talking about selling \$300 worth but asking for \$320. He said to the CI, "If you'll need it this often bub \$20 ain't asking for much." He later asked the CI about future purchases and discussed selling 1-2 ounces but wanted to know beforehand so his dealer could have it ready. Arrangements were made for the CI to purchase only \$285 worth of Molly instead since there wasn't enough for \$300. This second investigation was to take place at Houston's own grandmother's house located 7000 N Walnut St.

Deputy Parks searched the CI's person finding no drugs or monies. He also provided the CI with \$285 US currency from the Narcotics Unit's fund for the purchase that had been photographed prior. He then provided the CI with audio and video recording devices. Deputy Parks was acting as an Undercover Officer (UC) and would also be operating a recording device.

I drove from the meeting location to Huston's grandmother's home. When I passed her home I could see the same black Toyota parked in the driveway that was involved with our first controlled purchase of Molly from Houston and Marco at Huston's Bethel Ave residence. The one connected to Marco Contreras-Desilva. It was still displaying license plate number 'SED255'. I could also see two male subjects standing at the garage door to the residence. I recognized them to be Huston and Marco.

Deputy Parks drove from the meeting location with the CI as a passenger. When he arrived he parked in the driveway behind the black Toyota and the CI exited his vehicle. Deputy Parks also witnessed Huston standing in the overhead garage doorway. The video device provided to the CI was later found to have malfunctioned leaving us with only audio evidence from inside the grandmother's home. Audio from inside the residence showed lots of talking between the CI and two other males. At one point you could hear one say, "285 motherfucker." They all then discussed how much drugs they used, how many "hits" they took, and the affects the drugs had on them, Huston even bragged about how "trustworthy" Marco was. The CI asked when Huston and Marco would have more Molly and they said Friday. The voice, which sounded like the voice of Marco from all other investigations added, "My dude lives in Indy so I have to make a trip to Indy every time I pick it up." As they all discussed habits of more drug use even other than "Molly" it was discussed the CI giving them money for what he wanted to purchase before the next trip to Indy to buy more. When the CI exited the residence and got back into Deputy Parks' his vehicle, they drove away. At this time the CI gave to Deputy Parks the narcotics purchased.

Deputy Parks drove to another meeting location where he re searched the CI's person finding no drugs or monies. The evidence later provided Deputy Parks a digital scale reading of 3 grams and a positive field test result, using a field test kit for Methaqualone. Methaqualone is an addictive, or habit-forming, synthetic drug that alters brain function. It is also part of the chemical makeup for (MDMA) Molly, and according to the Drug.com website, listed as a Schedule 1 drug. This is the same drug class as heroin.

## Possession

On 8-3-2018 the Delaware County Narcotics Unit conducted surveillance on Huston's residence of 1005 W Bethel Ave. We were watching to see if Marco would arrive to deliver or sell more Molly at which time we would arrest both Huston and Marco for their current drug charges.

I soon witnessed a white female subject walk from the rear of Huston's residence wearing a red sweatshirt. She was later identified as Sarah Pierce. A white male subject wearing dark colored shorts and shirt walked out behind her. I could see this was Huston. They spoke briefly in the alley behind his residence and both walked back out of my view. I soon witnessed a gold in color Toyota Camry displaying license plate number '817LEV' arrive in the alley and park behind Huston's residence. I saw a male subject wearing a blue polo exit the vehicle and walk out of my view. Deputy Parks then drove through the alley and identified the subject as Marco. Deputy Joe Krupa was monitoring from the north and advised the subject had entered the east facing door to Huston's residence. Deputy Krupa added he saw the same subject had just exited along with the subject I had earlier identified as Huston and they were both standing outside of the east facing door. At that time I advised all assisting Deputies to move into position as Deputy parks and I approached. When I arrived in the alley, wearing an identifiable police tac vest and gear, I saw who I recognized to be Huston (wearing the same clothing) and Marco (wearing a blue polo) standing outside the residence. I ran toward them in an attempt to control them before they could react. Marco quickly ran away from me and I yelled "stop". He ran north toward Bethel Ave and out of my view. I announced over radio that he was running. Huston looked at me for a short time and ran from me toward his residence and inside the east facing door. As I arrived at the door right, behind Huston, he attempted to shut the door on me. I pushed through the door and apprehended Huston right inside the doorway without incident. A search of his person located a plastic baggie in his left front pants pocket that contained plant material. It later provided a digital scale reading 5.1 grams and a positive field test for marijuana. While securing the residence for officer safety, Huston's girlfriend Sarah Pierce was also located. On



a plate in the family room in plain view was another .4 grams of plant material that field tested positive for marijuana.

During this time Marco had been able to run across Bethel Ave right into Corporal and K9 Deputy Stash Hellis's location, Corporal Wehrle and a second K9 Deputy R Wyatt were also there. All three Deputies were in marked Sheriff vehicles and in Sheriff uniforms. Marco continued to run through and past Deputies even after Cpl Hellis had deployed his K9 partner. Cpl Wehrle gave chase while still in his vehicle while Marco ran across Bethel Ave and north crossing Centennial Ave. Eventually after having to exit his vehicle, Cpl Wehrle continued his pursuit on foot and apprehended Marco on the north end of the property of the H&D Superent store located 1018 W Centennial Ave. Located Marco's wallet, which was in his shorts pocket, was a small Ziploc plastic bag containing a brownish substance that later provided a digital scale reading of .6 grams and a positive field test result for MDMA Reagent. MDMA is part of the chemical makeup of what the drug Molly consists of.

### Interviews

Both Huston and Marco were transported to the Delaware County Sheriff Office for interviews. Marco waived his custodial rights and gave full confession. When Marco was asked why the Narcotics Unit would be talking to him he stated for, "selling illegal drugs". When asked what kind of drugs, he stated "Molly." Marco stated he sells approximately a ½ ounce of Molly here in Muncie every week. That totals approximately \$1,400, nearly \$6,000 of this narcotic being sold by Marco every month. Marco stated he usually sells his Molly to Ball State University students. He stated he normally sells an 8 ball for \$300. An 8 ball is equivalent to just over 3 grams. Marco added during what he called "music festivals" he sells as much as an ounce a week, which is double his normal sales. Marco stated he buys an ounce of Molly for \$1200 in Indianapolis and that he had just purchased an ounce there today. Marco stated that ounce was "in a safe place" but not on him or at Huston's residence. Marco confessed to selling Molly at Huston's residence and also at Huston's grandmother's home on N Walnut St. Marco stated Huston hooked him up with a guy that could help him move, "a lot of weight." Marco also stated he sells marijuana to close friends. Marco advised he was going to Huston's today to sell Molly to his brother and another person.

When asked where the ounce was that he claimed was in a safe place he stated it was at his parents' house but added that there were also a couple "hits" of acid as well. Marco signed a Custodial Consent to Search Form and Pirtle to search his bedroom and collect this evidence. Marco was driven to his parents' house where he led an undercover Deputy to his bedroom. Marco retrieved a white shoebox from under his bed. Marco was driven back to the Sheriff Office where he was again read his Miranda Rights and the interview continued. Marco stated in the box was 25 grams of Molly, 3 hits of acid, marijuana and empty capsules. Marco stated he would crush the molly and weight out .1 gram and put it into the capsules. The shoe box was later proven to contain 25.3 grams of the same brownish substance that field tested positive for MDMA like all the other tests, 6 grams of plant material that field tested positive for marijuana, a glass smoking device, a set of digital scales, 3 different colored tablets that provided a digital scale reading of 1.4 grams which Marco claimed were acid. They were found to match internet research for the same tablets (we had no field test kits for acid).

At this time the interview was complete. Prior to leaving the interview room Marco stated he needed to say something and wanted to be honest. He then advised Deputy Parks he had something tied to his "nuts". The interview cameras were turned back on and Marco retrieved a plastic bag from his genital area which contained a brown crystal like substance. This substance later field tested positive for Molly/MDMA and provided a digital scale reading of 21 grams. This was the same in appearance substance that had been located in Marco's wallet at the time of his arrest bringing the total of Molly found on his person to 21.6 grams. This was separate from the Molly Marco was possessing at his parent's residence.

Huston waived his custodial rights waiver and also gave full confession. Huston stated he had introduced Marco to an individual that was wanting Molly. Huston stated Marco came to his residence, 1005 W Bethel Ave, and met with an individual and sold them Molly. Brandon stated that he himself had made \$10 from the

transaction. Brandon also stated that Marco had sold Molly at his grandmother's home on N Walnut St. Huston stated today that he was going to make \$100 for a transaction at his residence between Marco and another individual and after the transaction, Marco was going to deal with the individual on his own.

DATE: 8-3-2018 OFFICER SIGNATURE: Timothy J. Mitchell

**JUDICIAL DETERMINATION**

The undersigned, being a Judicial Officer of Delaware County, and having reviewed the foregoing affidavit, now determines that probable cause existed for the arrest of the arrestee, and now fixes bond in the sum of \$ \_\_\_\_\_

DATED: \_\_\_\_\_ SIGNED: \_\_\_\_\_

CHARGES TO BE FILED BY: \_\_\_\_\_



**STATE OF INDIANA**  
**DELAWARE COUNTY**

**SS:**

**IN THE DELAWARE CIRCUIT COURT NO. 2**  
**CAUSE NO.: 18C02-1808-F2-000026**

**STATE OF INDIANA**

**v.**

**MARCO CONTRERAS-DESILVA**

**ORDER ON SENTENCING HEARING**

The State of Indiana appears by and through Andrew Ramirez, Deputy Prosecuting Attorney; Defendant, Marco Contreras-Desilva, appears in person and by counsel, Adam Brower; Telisa Bell Adult Probation Officer, appears; all for hearing on this 10th day of October, 2019, before the Honorable Kimberly S. Dowling, Judge.

Defendant has previously offered a plea of guilty to Count 1, Dealing in a Schedule I Controlled Substance, a Level 2 Felony, pursuant to a written Plea Agreement. The Court, having taken the offered plea of guilty and the offered plea agreement under advisement, now accepts the offered plea of guilty and finds the Defendant guilty of Count 1, Dealing in a Schedule I Controlled Substance, a Level 2 felony, and the Court now enters a judgment of conviction as to Count 1, Dealing in a Schedule I Controlled Substance, a Level 2 Felony.

The Court now proceeds to sentencing and considers the pre-sentence investigation report together with the evidence as presented and the final comments of counsel.

The Court, being duly and sufficiently advised in this cause, now finds as follows:

Circumstances Supporting an Enhanced Sentence:

1. There was a substantial degree of care and planning involved in the commission of these offenses and the Defendant's role was that of principal; and the Court gives this factor some weight.
2. The defendant has a history of criminal and delinquent behavior. As an adult, the defendant has been charged with fourteen (14) misdemeanor charges and five (5) felony charges, including the instant offenses, resulting in two (2) misdemeanor convictions and one (1) felony conviction, this would be the defendant's first felony conviction. One felony case in Cause No. 18C02-1503-F6-00042 was dismissed on April 12, 2018 after participation in the Pre-Trial Diversion program; and the Court gives this factor some weight.
3. The crime was against the community at large. Delaware County, Indiana is experiencing a drug epidemic and the defendant by his actions contributed to this epidemic; and the Court gives this factor some weight.

4. The defendant is in need of correctional or rehabilitative treatment that can best be provided by commitment of the person to a penal facility. Prior attempts at correctional treatment and rehabilitation through pre-trial diversion, probation and the Court Alcohol program has not been successful; and the Court gives this factor some weight.

Circumstances Supporting a Reduced Sentence:

1. The defendant has pled guilty in this cause of action, thus allowing the Court to forego the expense and resources necessary to take these actions to trial; and the Court gives this factor some weight.
2. The defendant is twenty seven (27) years of age and this is his first felony conviction; and the Court gives this factor some weight.
3. The defendant has a strong family support system which may aid him in his rehabilitation; and the Court gives this factor some weight.
4. The defendant has continued to be gainfully employed while released on bond in the Instant Cause of Action; and the Court gives this factor some weight.

In weighing the above factors, the Court finds the circumstances supporting an enhanced sentence outweigh the circumstances supporting a reduced sentence, thereby supporting an enhanced sentence.

The nature of the offense would support an enhanced sentence. The defendant did deliver MDMA on three (3) occasions, which is a danger to society.

Defendant's character supports a reduced sentence. Defendant has two (2) prior misdemeanor convictions, and this is his first felony conviction.

Therefore, as to Count 1, Dealing in a Schedule I Controlled Substance, a Level 2 felony, Defendant is committed to the custody of the Indiana Department of Correction for a period of Ten (10) Years, with Six (6) years executed and Four (4) years suspended to supervised probation.

The Defendant shall be entitled to jail time credit of two (2) actual days as follows:  
08/03/2018 to 08/04/2018

At the conclusion of the executed sentence, the defendant shall be placed on supervised probation and pay all associated fees and expenses. As a condition of probation, the Defendant shall submit to a substance abuse evaluation and successfully complete all recommended treatment and pay all associated costs.

Further, upon release from the Indiana Department of Correction, the Defendant shall immediately report to Telisa Bell, Adult Probation Officer, and a hearing will be scheduled to

advise the Defendant of his terms and conditions of supervised probation.

The defendant shall pay a fine of \$1.00, court costs of \$185.00, and State Drug Interdiction fee of \$400.00, all payable within ninety (90) days of release from incarceration.

The Court finds the Defendant is an appropriate candidate for Purposeful Incarceration through the Indiana Department of Correction's RWI Program for severe polysubstance abuse issues. Defendant reports his drugs of choice are: MDMA and Marijuana.

Upon successful completion of the clinically appropriate substance abuse treatment program as determined by IDOC, the court will consider a modification to this sentence. After successful completion of the RWI program, the defendant may petition, at his own cost, this Court for a modification of his sentence, to have the balance of his executed sentence be served on supervised probation, and on the condition that he passes a urine screen upon his transfer to Delaware County from the Indiana Department of Correction.

Pursuant to I.C. 35-38-1-27, the Defendant shall submit to a DNA sample.

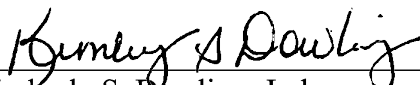
The State of Indiana orally moves to dismiss Counts 2 through 5. Defendant having no objection, the Court dismisses the same.

The Defendant is reminded that he waived his right to appeal.

The Defendant is remanded to the Sheriff of Delaware County for transmittal to the Indiana Department of Corrections.

The Clerk shall issue notice to the ISP Central State Repository and make entry upon perfection of the same.

ALL OF WHICH IS ORDERED THIS 10th day of October, 2019.

  
\_\_\_\_\_  
Kimberly S. Dowling, Judge,  
Delaware Circuit Court No. 2

Distribute to:  
State /Ramirez  
Defense/Brower  
Probation/Bell  
Central State Repository  
Judgment Clerk

STATE OF INDIANA            )        IN THE DELAWARE CIRCUIT COURT NO. 2  
  ) SS:   TERM: 2021  
COUNTY OF DELAWARE )        CAUSE NO.: 18C02-1808-F2-000026

STATE OF INDIANA

VS

MARCO V. CONTRERAS-DESILVA

### **ORDER ON MOTION TO MODIFY SENTENCE**

Comes now the Court, and the Defendant having appeared in person and by his counsel, Adam B. Brower, and the State appearing by Andrew Ramirez, Deputy Prosecuting Attorney, evidence having been heard and concluded, the Court took the matter under advisement. The Court now finds as follows:

1. That the Defendant successfully completed the Recovery While Incarcerated (RWI) Program;
2. That the Defendant has had no write-ups; and
3. That this was the Defendant's first felony conviction.

The Court hereby grants the Defendant's Motion to Modify Sentence and modifies the Defendant's sentence in this cause, effective October 10, 2021, to electronic home detention through Delaware County Community Corrections for the remainder of the executed term, with the Defendant paying all associated costs.

Therefore, as to **Count 1, Dealing in a Schedule 1 Controlled Substance, a Level 2 Felony, effective October 10, 2021**, the remainder of the Defendant's six (6) year executed sentence shall be modified to electronic home detention through Delaware County Community Corrections until October 10, 2023.

Upon release from the Indiana Department of Correction, the Defendant shall immediately report to Delaware County Community Corrections located at 3100 S. Tillotson Avenue, Suite 220, Muncie, Indiana 47302.

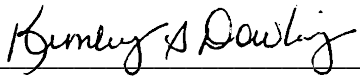
As a condition of electronic home detention and supervised probation, the Defendant shall submit to an alcohol and substance abuse evaluation and shall comply with all treatment recommendations.

Further, upon completion of electronic home detention, the Defendant shall immediately report to Telisa Bell, Adult Probation Officer, to commence the supervised probationary period of four (4) years.

The Defendant shall be transported back to the Edinburgh Correctional Facility.

Clerk directed to issue notice to the ISP Central Repository and make entry upon perfection of the same.

**SO ORDERED** this July 28, 2021.

  
\_\_\_\_\_  
Kimberly S. Dowling, Judge  
Delaware Circuit Court No. 2

Distribution:

Andrew Ramirez, Deputy Prosecutor  
Adam B. Brower, Attorney for Defendant  
Telisa Bell, Adult Probation Officer  
ISP Central Repository