

STATE OF INDIANA
EXECUTIVE DEPARTMENT
INDIANAPOLIS

EXECUTIVE ORDER _____
06-02

FOR: CONDITIONAL COMMUTATION OF SENTENCE – KIM L. LUCAS

TO ALL TO WHOM THESE PRESENTS MAY COME, GREETINGS:

WHEREAS, KIM L. LUCAS, who has petitioned for a commutation of sentence, was convicted in Tippecanoe Superior Court in June 1992 for the offense of Dealing in Cocaine, for which she received an 18-year sentence accompanied by a consecutive 20-year enhanced sentence for being a habitual offender (having been convicted of two prior unrelated felonies), for a total term of 38 years in the Department of Correction;

WHEREAS, petitioner, who is now 43 years of age, has served more than 13 years of her sentence, and will not be eligible for parole until February 25, 2010;

WHEREAS, at the time of her conviction, petitioner was an admitted cocaine addict who had suffered a lengthy history of criminal problems related to supporting her drug habit;

WHEREAS, while incarcerated, the petitioner has obtained therapy to help her recover from her cocaine addiction, and has also completed numerous education and training programs, including computer training and several religious studies courses;

WHEREAS, the petitioner, who has been a Deans' List student while working toward an Associates Degree in Business Administration and who has plans to pursue a Bachelors Degree in Theology, looks forward to the prospect of regaining custody of her own children and working with addicts and their families to help them cope with the problems of drug addiction;

WHEREAS, the petitioner's request for clemency is supported by family, friends, community members, and public officials, as well as the original sentencing judge, who has stated his belief that the petitioner has been rehabilitated and that commutation is appropriate;

WHEREAS, the Indiana Parole Board, after careful investigation and examination of all the facts in this case, has unanimously recommended to the Governor that the petitioner's sentence be commuted; and

WHEREAS, the Governor, under Article 5 Section 17 of the Indiana Constitution, is empowered to grant commutation to individuals after conviction subject to such regulations as may be provided by law.

NOW THEREFORE, I, Mitchell E. Daniels, Jr., Governor of the State of Indiana, having thought proper the extension of clemency under the authority vested in me by the Constitution and the laws of the State of Indiana, do hereby order that the original sentence of Kim L. Lucas to the Department of Correction be, and hereby is, conditionally commuted by suspending the remainder of her sentence subject to the following:

1. Petitioner shall complete a pre-release program and agree to a subsequent work release program developed by the Department of Correction to meet the specific needs of her individual case;
2. Following completion of a pre-release program but prior to parole eligibility, the petitioner shall, within twelve (12) months following the date of this order, and while continuing to observe good behavior, successfully complete the work release program specified by the Department of Correction in paragraph 1, the terms of which (including without limitation all required counseling services) were expressly agreed upon by the petitioner on February 22, 2006;
3. If the Indiana Parole Board determines that the petitioner merits parole release after the condition set forth in paragraph 2 is satisfied, then the petitioner shall be released on parole in accordance with the provisions of I.C. 11-13-3 and related rules and procedures of the Indiana Parole Board.

4. In the event the petitioner fails to successfully complete the work release program specified above, or any of the conditions thereof, or in the event the petitioner violates the conditions of her parole, the original sentencing and commitment order of the trial court shall be reinstated, and the petitioner shall be returned to the custody of the Department of Correction to complete the balance of such term.



IN TESTIMONY WHEREOF, I, Mitchell E. Daniels, Jr., have hereunto set my hand and caused to be affixed the Great Seal of the State of Indiana on this 22nd day of February, 2006.

Handwritten signature of Mitchell E. Daniels, Jr. in black ink.

Mitchell E. Daniels, Jr.
Governor of Indiana

Handwritten signature of Todd Rokita in black ink.

ATTEST:
Todd Rokita
Secretary of State