

RESPONDENT'S MOTION TO STRIKE TERMS OF PROBATION

COMES NOW, [name], the Respondent, by counsel, and moves this Court, pursuant to the United States and Indiana Constitutions and Indiana statutory law, to strike certain terms of probation.

1. According to the State, Respondent's terms of probation included the following:

23. You shall attend and complete an alcohol / drug programs as directed by the probation officer (inpatient and / or halfway house if appropriate) and pay the required fees.

24. Your assigned alcohol / drug program(s) may be changed and / or additional program(s) added at the discretion of the Probation Officer and you will pay the required fee(s) of any additional programs.

2. According to the Petition to Revoke Probation, this Court's probation officer seeks revocation based upon Respondent's alleged failure to complete programs assigned after the date of sentencing.

3. As demonstrated in the attached brief, such terms enacted wholly at the discretion of the probation officer, after sentencing, are illegal and should be stricken.

4. Even if the relevant terms are permitted by this Court, the current terms of probation are unworkable and / or unjust and should be modified.

WHEREFORE, Respondent moves for the relief requested above and for any further relief as this court deems just and reasonable.

[signature]

