

STATE OF INDIANA )  
 ) ss:  
COUNTY OF LAKE )

SUPERIOR COURT OF LAKE COUNTY  
31<sup>st</sup> JUDICIAL CIRCUIT  
CASE 45G01-1506-PC-00002

DARRYL KEITH PINKINS, )  
 )  
Petitioner, )  
 )  
v. )  
 )  
STATE OF INDIANA, )  
 )  
Respondent. )

Filed in Open Court

APR 22 2016

*Michael R. Brown*  
CLERK LAKE SUPERIOR COURT

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*Michael R. Brown*  
CLERK LAKE SUPERIOR COURT

**ORDER GRANTING SUCCESSIVE PETITION  
FOR POSTCONVICTION RELIEF**


The State of Indiana by Prosecuting Attorney Bernard A. Carter files a motion requesting the court to grant the successive petition for postconviction relief. The motion is examined, considered and granted without further hearing. The court finds and orders as follows:

1. On June 14, 1991, judgments of conviction and sentences were entered against Darryl Keith Pinkins in Case 45G01-9001-CF-00005 for rape, a Class A felony, criminal deviate conduct, a Class A felony, and robbery, a Class B felony.
2. On June 10, 2015, with the permission of the Court of Appeals of Indiana, Darryl Keith Pinkins filed a successive petition for postconviction relief requesting that his judgments of conviction and sentences be vacated based on newly discovered evidence.

3. The state concedes in its motion requesting the court to grant the successive petition for postconviction relief that even though Darryl Keith Pinkins was identified by the alleged victim at trial as one of her attackers, newly discovered evidence does exist which entitles Darryl Keith Pinkins to a new trial.
4. In its motion requesting the court to grant the successive petition for postconviction relief, the state has informed the court that the state is unable to retry Darryl Keith Pinkins due to the passage of time.
5. The court grants the successive petition for postconviction relief filed by Darryl Keith Pinkins.
6. The criminal charges against Darryl Keith Pinkins in Case 45G01-9001-CF-00005 are dismissed.
7. The sheriff is directed to immediately confirm with the Indiana Department of Correction that Darryl Keith Pinkins is held in the custody of the Indiana Department of Correction only as a result of the judgments of convictions and sentences in Case 45G01-9001-CF-00005.
8. If the judgments of convictions and sentences in Case 45G01-9001-CF-00005 are the only reasons that Darryl Keith Pinkins is being held in custody by the Indiana Department of Conviction, it is ordered that Darryl Keith Pinkins be immediately released from custody by the

sheriff of Lake County without the requirement that he first be returned to the Indiana Department of Correction.

9. The sheriff and clerk are each directed to notify the Indiana Department of Correction.
10. The hearing set for April 25, 2016, is cancelled.
11. The clerk is directed to show Case 45G01-1506-PC-00002 disposed and Case 45G01-9001-CF-00005 dismissed as to Darryl Keith Pinkins only.

  
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T. EDWARD PAGE  
Temporary Judge