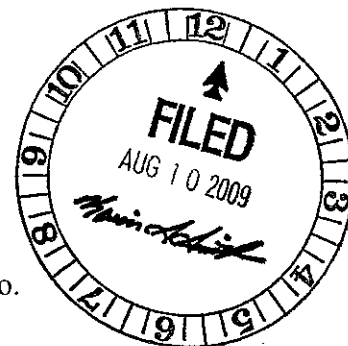


In the  
Indiana Supreme Court



Anthony MALENCHIK,	)	Supreme Court Cause No.
Appellant ( below),	)	79S02-0908-CR-305
	)	
v.	)	Court of Appeals Cause No.
	)	79A02-0902-CR-133
State of INDIANA,	)	
Appellee ( below).	)	Tippecanoe Superior Court Cause No.
	)	79D05-0711-FD-628

ORDER DIRECTING ADDITIONAL BRIEFING and  
INVITING AMICUS PARTICIPATION

Appellant, Anthony Malenchik, was sentenced to six years for Receiving Stolen Property, a class D felony, and being adjudged an habitual offender. The Court of Appeals affirmed the sentence in a Memorandum Decision. We granted Appellant's petition to transfer jurisdiction by separate order, and anticipate scheduling the case for oral argument.

The Court is interested in Appellant's argument that the trial court abused its discretion in relying on "scoring models" (in this case, the Level of Service Inventory-Revised ("LSIR") and Substance Abuse Subtle Screening Inventory ("SASSI") in determining the sentence. Appellant relies primarily on *Rhodes v. State*, 896 N.E.2d 1193, 1195 (Ind. Ct. App. 2008), *trans. not sought*. This issue was not fully developed in the parties' briefs and may be a legal issue of wider interest.

The Court now issues this invitation for participation of amicus curiae to address a trial court's reliance on scoring models in sentencing. **Those entities willing to prepare and file a brief as amicus curiae on the issue are requested to file a motion on or before September 4, 2009** seeking leave to appear as amicus curiae. The Court encourages the submission of joint briefs. **Briefs submitted by those granted amicus curiae status will be due on or before September 21, 2009.** The Briefs will be limited in size to no greater than 3750 words exclusive of the items listed in Appellate Rule 44(C), and must be accompanied by the verified statement of word count referred to in Appellate Rule 44(F).

In addition, **the parties shall file supplemental briefs by September 21, 2009** with more fully developed argument on the use of scoring models in sentencing. Malenchik's brief shall be titled "Supplemental Petition to Transfer" and shall have an orange cover. The State's brief shall be titled "Supplemental Response to Transfer Petition" and have a yellow. Neither brief may exceed 3750 words, exclusive of the items listed in Appellate Rule 44(C), and both must be accompanied by the verified statement of word count referred to in Appellate Rule 44(F). There shall be no reply. Extensions of time will be granted only under extraordinary circumstances.