



NEWS RELEASE
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FOR IMMEDIATE RELEASE

Brian Podzielinski Sentenced for Home Invasion Shooting

SPRINGFIELD, Mo. – Greene County Prosecuting Attorney Dan Patterson announces that Brian Michael Podzielinski, 22, of Springfield, Missouri was sentenced today for the shooting of K.H. on June 7, 2011, at K.H.'s residence located at 945 E. Loren, Springfield, Greene County, Missouri. On that day, Podzielinski and another individual broke into K.H.'s residence, pepper sprayed K.H., held K.H. at gunpoint and demanded a safe. Podzielinski then shot K.H. in the abdominal area before fleeing the residence.

On June 8, 2011, Podzielinski was charged with assault in the first degree, armed criminal action and unlawful use of a weapon. On May 25, 2012, the defendant entered a plea of guilty to all three charges. The defendant entered into an open plea of guilty, meaning there was no plea agreement with the Greene County Prosecutor's Office.

Assault in the first degree is punishable by a range of punishment of ten years to thirty years or life in the Missouri Department of Corrections. It is also a dangerous felony pursuant to Missouri statute, so the defendant would have to serve 85% of any prison sentence before becoming eligible for parole. Armed criminal action is punishable by a minimum of three years in the Department of Corrections with no maximum sentence. In addition, the defendant cannot be granted probation pursuant to Missouri statute, and parole cannot be granted until the defendant serves at least three years in the Department of Corrections. Unlawful use of a weapon is punishable by a range of punishment of one day to one year in the Greene County Jail, two years to four years in the Department of Corrections and/or a fine not to exceed \$5,000.

Subject: Greene County Prosecuting Attorney Press Release, State v. Podzielinski, 1131-CR03976

Today, during the sentencing hearing, the Greene County Prosecutor's Office recommended that the Court sentence Podzielinski to fifteen years in the Department of Corrections on the charge of assault in the first degree, four years in the Department of Corrections on the charge of unlawful use of a weapon, and fifteen years in the Department of Corrections or a term to be determined by the Court on the charge armed criminal action. The recommendation was that the Court should deny probation.

Podzielinski's attorney then recommended that the Court sentence Podzielinski to the statutory minimum of three years in the Department of Corrections on the armed criminal action charge. He further recommended that the Court sentence Mr. Podzielinski to any term of incarceration to be determined by the Court on the charges of assault in the first degree and unlawful use of a weapon, but grant Mr. Podzielinski probation in lieu of incarceration on those charges.

The Honorable Calvin Holden sentenced Podzielinski to three years in the Department of Corrections for the charge of armed criminal action, twenty years in the Department of Corrections for the charge of assault in the first degree and four years in the Department of Corrections for the charge of unlawful use of a weapon. The Court granted the defendant five years probation in lieu of incarceration on the charges of assault in the first degree and unlawful use of a weapon. The Court ordered that after the defendant serves his mandatory three year sentence in the Department of Corrections, the defendant's five years of probation will begin and the defendant will be ordered to complete the Greene County Drug Court program.

This case is being prosecuted by Assistant Prosecuting Attorney Russell Dempsey. It was investigated by the Springfield Police Department and Detective Charles Vienhage was the lead investigator assigned to the case.

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