

MEMORANDUM DECISION

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ATTORNEY FOR APPELLANT

Denise L. Turner
DTurner Legal LLC
Indianapolis, Indiana

ATTORNEYS FOR APPELLEE

Theodore E. Rokita
Attorney General
Megan M. Smith
Deputy Attorney General
Indianapolis, Indiana

IN THE COURT OF APPEALS OF INDIANA

Keyon L. Burnett,
Appellant-Defendant,

v.

State of Indiana,
Appellee-Plaintiff

October 31, 2023

Court of Appeals Case No.
23A-CR-1171

Appeal from the
Marion Superior Court

The Honorable
Marshelle Broadwell, Judge

Trial Court Cause No.
49D07-2102-F3-3499

Memorandum Decision by Judge Vaidik
Judges Bradford and Brown concur.

Vaidik, Judge.

[1] In July 2022, Keyon L. Burnett pled guilty to Level 3 felony battery resulting in serious bodily injury to a person less than fourteen years old and was sentenced to nine years, all suspended to probation. In January 2023, the State filed a petition alleging that Burnett violated his probation by committing a new criminal offense. At the probation-violation hearing, the State presented testimony from a probation officer that Burnett had been charged with three counts of child molesting (which are still pending, *see* Cause No. 49D07-2301-F1-1150). The trial court admitted into evidence the charging information and order finding probable cause for Burnett’s arrest. The court found that Burnett violated his probation and ordered him to serve four years of suspended time in prison.

[2] Burnett now appeals, arguing the trial court erred in revoking his probation because the mere filing of criminal charges against him does not warrant revocation. *See Jackson v. State*, 6 N.E.3d 1040, 1042 (Ind. Ct. App. 2014). The State concedes that the court erred in revoking Burnett’s probation because it did not “present any evidence regarding the facts underlying [the child-molesting] charges.” Appellee’s Br. p. 9. Given the State’s concession, we reverse the revocation of Burnett’s probation.

[3] Reversed.

Bradford, J., and Brown, J., concur.