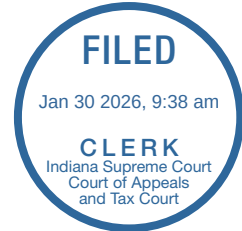


MEMORANDUM DECISION

Pursuant to Ind. Appellate Rule 65(D), this Memorandum Decision is not binding precedent for any court and may be cited only for persuasive value or to establish res judicata, collateral estoppel, or law of the case.



IN THE Court of Appeals of Indiana

Vincent Boyd,
Appellant-Defendant

v.

State of Indiana,
Appellee-Plaintiff

January 30, 2026

Court of Appeals Case No.
25A-CR-2104

Appeal from the Marion Superior Court

The Honorable Marie L. Kern, Judge
The Honorable Heather M. Barton, Magistrate

Trial Court Cause No.
49D28-1602-F4-5247

Memorandum Decision by Judge Pyle
Judges Bradford and Kenworthy concur.

Pyle, Judge.

Statement of the Case

[1] Vincent Boyd (“Boyd”) appeals the revocation of his community corrections placement. He argues that the trial court abused its discretion when it ordered him to serve 545 days of his previously suspended sentence. Concluding that the trial court did not abuse its discretion, we affirm the trial court’s judgment.

[2] We affirm.

Issue

Whether the trial court abused its discretion when it ordered Boyd to serve 545 days of his previously suspended sentence.

Facts

[3] In 2018, pursuant to a plea agreement, fifty-two-year-old Boyd pleaded guilty to Level 4 felony burglary and admitted that he was an habitual offender. The trial court sentenced Boyd, pursuant to his plea agreement, to an aggregate term of eleven (11) years, with seven (7) years executed in the Department of Correction (“the DOC”) and four (4) years on home detention through community corrections.

[4] Boyd began serving his four years on home detention in October 2023. At the end of October 2024, the State filed a notice of community corrections violation. The notice provided that community corrections staff had conducted

an administrative hearing with Boyd at the beginning of October 2024 “to address issues of [Boyd’s] non-compliance; specifically, leaving [his] residence without authorization and making unauthorized stops.” (App. Vol. 3 at 91). Following the hearing, community corrections staff had told Boyd that “any further issues of non-compliance would result in a Violation being filed with the Court.” (App. Vol. 3 at 91). The notice further alleged that following the administrative hearing, Boyd had committed fourteen additional community corrections violations by leaving his residence without authorization and making unauthorized stops while on approved passes. The trial court held a hearing on the notice in November 2024, and Boyd admitted to two of the violations. The trial court “sanction[ed] [Boyd] to 19 days credit[,]” returned him to community corrections, and “[p]ut him back on home detention.” (Tr. Vol. 2 at 52).

[5] Six months later, in May 2025, the State filed a second notice of community corrections violation, which alleged that Boyd had committed five community corrections violations by leaving his residence without authorization and making unauthorized stops while on approved passes. The following month, June 2025, the State filed an amended notice of community corrections violation, which alleged that Boyd had committed two additional community corrections violations by leaving his residence without authorization and making an unauthorized stop while on an approved pass.

[6] The trial court held a hearing on the notices in July 2025. At the end of the hearing, the trial court found that the State had proved by a preponderance of

the evidence that Boyd had violated the terms of his community corrections placement. The trial court further found that the violations warranted a revocation of Boyd's suspended sentence. Specifically, the trial court explained as follows:

. . . you were previously violated for the same exact behaviors and none of your behaviors have changed. . . . They tried to deal with you administratively, they've tried to deal with you in the Court and you just continued the behaviors. . . . You can't do what you want and ask forgiveness later with Community Corrections and I feel like that's essentially what you're doing. . . . [T]here is a consistent pattern of you not complying with Community Corrections. . . . I am going to give you a little bit of [a] break. You have 578 days remaining. I'm going to sentence you to 545 in the Indiana Department of Correction.

(Tr. Vol. 2 at 115-16).

[7] Boyd now appeals.

Decision

[8] Boyd argues that the trial court abused its discretion when it ordered him to serve 545 days of his previously suspended sentence. We disagree.

[9] Both probation and community corrections programs serve as alternatives to commitment to the DOC. *Johnson v. State*, 62 N.E.3d 1224, 1229 (Ind. Ct. App. 2016). Placement on probation or in a community corrections program is a matter of grace and not a right. *Id.* Once a trial court has exercised its grace in this regard, it has considerable leeway in deciding how to proceed when the

conditions of placement are violated. *Prewitt v. State*, 878 N.E.2d 184, 188 (Ind. 2007). If this discretion were not given to trial courts and sentences were scrutinized too severely on appeal, trial courts might be less inclined to order probation. *Id.*

[10] “The standard of review of an appeal from the revocation of a community corrections placement mirrors that for revocation of probation.” *Treece v. State*, 10 N.E.3d 52, 56 (Ind. Ct. App. 2014), *trans. denied*. We review the trial court’s sentencing decision in a probation revocation proceeding for an abuse of discretion. *Johnson*, 62 N.E.3d at 1229-30. An abuse of discretion occurs when the trial court’s decision is clearly against the logic and effect of the facts and circumstances. *Id.* If a trial court finds that a person has violated his probation before termination of the probationary period, the court may order execution of all or part of the sentence that was suspended at the time of the initial sentencing. IND. CODE § 35-38-2-3(h)(3).

[11] Here, our review of the record reveals that in early October 2024, following Boyd’s noncompliance with the terms of his community corrections placement, community corrections staff held an administrative hearing and warned Boyd that any further issues of noncompliance would result in a violation being filed in the trial court. Despite that warning, Boyd failed to comply with the terms of his community correction placement, and the State filed a notice of community corrections violation. Following a hearing, the trial court exercised its grace and returned Boyd to community corrections and put him back on home detention. Six months later, the State filed a second notice of community

corrections violation. The following month, the State amended the petition to include additional violations. Following a hearing, the trial court noted that Boyd had continued to commit the same violations. Specifically, the trial court found that Boyd had demonstrated a pattern of not complying with the terms of his community corrections placement. Based on the facts and circumstances in this case, the trial court was well within its discretion when it ordered Boyd to serve 545 days of his previously suspended sentence.¹

[12] Affirmed.

Bradford, J., and Kenworthy, J., concur.

¹ We note that Boyd's reliance on *Johnson*, 62 N.E.3d at 1224, is misplaced. In the *Johnson* case, the State filed a notice of community corrections violation alleging that Johnson had violated the terms of his community corrections placement because he had a fee arrearage, had twice moved the GPS monitoring equipment in his apartment building, had sat outside on a bench adjacent to the front door of his apartment, had gone to the Shalom Center when he had been given permission to visit the social security office, and had, on one occasion, left his apartment earlier than authorized to go to the bank. Following a hearing, the trial court found that Johnson had violated the terms of his community corrections placement and ordered him to serve his seven-year suspended sentence in the DOC. On appeal, based on the circumstances reflected in the record, including Johnson's well-documented mental limitations and level of functioning, his resources, his previous successful placement on work release, the nature of the violations, and the severity of the trial court's sentence, we concluded that the trial court had abused its discretion in finding that Johnson's violations warranted serving the entirety of the remaining portion of his executed sentence. *Id.* at 1231.

However, the facts in *Johnson* are distinguishable from those in the case before us. Specifically, Boyd received a 545-day executed sentence for a pattern of committing multiple community corrections violations over a period of several months. Further, community corrections staff warned Boyd about the consequences for failing to comply with the terms of his community corrections placement, and the trial court showed Boyd grace in November 2024 when it returned him to community corrections after its first finding that he had violated the terms of his community corrections placement. In addition, Boyd has no documented mental limitations. The trial court did not abuse its discretion when it ordered Boyd to serve 545 days of his previously suspended sentence.

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