

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 Appellate Rule 65(D), this Memorandum Decision is not binding precedent for any court and may be cited only for persuasive value or to establish res judicata, collateral estoppel, or law of the case.



ATTORNEY FOR APPELLANT

Russell W. Brown, Jr.
The Region Lawyers, Inc.
Merrillville, Indiana

ATTORNEYS FOR APPELLEE

Theodore E. Rokita
Attorney General
J.T. Whitehead
Deputy Attorney General
Indianapolis, Indiana

IN THE COURT OF APPEALS OF INDIANA

Javyon George-Boatman,
Appellant-Defendant,

v.

State of Indiana,
Appellee-Plaintiff

March 24, 2023

Court of Appeals Case No.
22A-CR-2387

Appeal from the
Lake Superior Court

The Honorable
Salvador Vasquez, Judge

Trial Court Cause No.
45G01-1707-F4-28

Memorandum Decision by Judge Vaidik
Judges Tavitas and Foley concur.

Vaidik, Judge.

- [1] In March 2019, Javyon George-Boatman was sentenced to three years in the Department of Correction (DOC), all suspended to probation, for Level 5 felony sexual misconduct with a minor. At sentencing, he “waive[d] the reading of general rules of the probation terms in open court,” Appellant’s App. Vol. II p. 95, but at some point he signed the conditions, Supp. Tr. pp. 25-26.
- [2] In May 2019, the State petitioned to revoke George-Boatman’s probation, alleging he had violated several conditions. Over the next year-and-a-half, the State amended the petition ten times, alleging additional violations. A hearing was held in November 2020, and the trial court found George-Boatman violated his probation and ordered him to serve eighteen months of the suspended time and then return to probation. Appellant’s App. Vol. II p. 170; Supp. Tr. pp. 36-39.
- [3] In 2022, after George-Boatman had served that time and returned to probation, the State filed another petition to revoke, again alleging he had violated several conditions. After a hearing, the trial court found George-Boatman violated his probation by using alcohol and by failing to call the drug-test hotline eighteen times. The court ordered him to serve the remaining eighteen months of suspended time in the DOC.
- [4] George-Boatman now appeals. He contends the trial court failed to advise him of his probation conditions when it sentenced him and therefore he was not bound by the conditions and could not have violated them. *See* Ind. Code § 35-

38-2-1(a)(1) (“Whenever it places a person on probation, the court shall . . . specify in the record the conditions of the probation[.]”). However, he asks us not to consider his March 2019 sentencing. Instead, he argues the trial court “resentenced” him in November 2020, was required to advise him of his probation conditions at that time, and failed to do so. Appellant’s Br. pp. 9-10. But George-Boatman wasn’t “resentenced” in November 2020. The November 2020 hearing was a probation-revocation hearing, and the trial court simply found that George-Boatman violated his probation and ordered him to serve eighteen months of his suspended time and then, after serving that time, return to probation. George-Boatman doesn’t cite any authority requiring a trial court to re-advise a defendant of probation conditions when it orders the defendant to return to probation after serving a portion of a suspended sentence.

[5] George-Boatman has shown no error, so we affirm the trial court’s revocation of his probation.

[6] Affirmed.

Tavitas, J., and Foley, J., concur.