

MEMORANDUM DECISION

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IN THE Court of Appeals of Indiana

Tony L. Meeks,
Appellant-Defendant

v.

State of Indiana,
Appellee-Plaintiff



March 5, 2024

Court of Appeals Case No.
23A-CR-2583

Appeal from the Decatur Superior Court
The Honorable Matthew D. Bailey, Judge

Trial Court Cause No.
16D01-2201-F4-62

Memorandum Decision by Chief Judge Altice
Judges Bradford and Felix concur.

Altice, Chief Judge.

Case Summary

[1] Tony L. Meeks appeals from the revocation of his probation. While he does not dispute that he violated probation, Meeks contends that the trial court abused its discretion by returning him to the Indiana Department of Correction (the DOC) for 1,260 days.

[2] We affirm.

Facts & Procedural History

[3] On January 18, 2022, the State charged Meeks with Level 4 felony attempted arson, Level 5 felony battery, and Level 6 felony resisting law enforcement. These charges stemmed from an incident four days earlier at his parents' home that began with him setting fire to rugs and a towel inside a bathroom. Meeks had not slept in five days, "had been talking out of his head" and to himself, and, according to a responding police officer, appeared to be under the influence of methamphetamine. *Appendix* at 12. Meeks's parents reported to the officers that they had been scared Meeks would kill them in their sleep, so they had been sleeping in shifts. When the officers tried to arrest Meeks for attempted arson, he "squared off" and swung at one of them. *Id.* at 13. He continued resisting as he was taken to the ground and then kicked an officer in the groin. After being threatened with a taser, Meeks stopped struggling and was handcuffed and shackled.

- [4] Pursuant to a negotiated plea agreement, Meeks pleaded guilty to the battery and resisting law enforcement charges, and the attempted arson charge was dismissed. The plea agreement also provided for a sentence of 2,190 in the DOC, with 240 days executed and the remainder suspended to supervised probation. Meeks was sentenced accordingly on June 29, 2022, and he was released to probation on July 11, 2022.
- [5] On April 19, 2023, the State petitioned to revoke probation, alleging that Meeks had tested positive for methamphetamine on February 2, March 3, and March 31 and positive for alcohol on February 2, March 31, and April 18. The petition further alleged that Meeks had failed to enroll in a recommended outpatient treatment program to address his “serious substance abuse issues.” *Id.* at 83. The State supplemented the petition on July 17, alleging that Meeks had been arrested and charged days earlier with Level 6 felony possession of methamphetamine and Class C misdemeanor possession of paraphernalia.
- [6] At a hearing on July 20, 2023, Meeks admitted violating probation by failing drug and alcohol screens as alleged in the petition. He did not enter an admission regarding the new criminal charges, and the State did not present evidence at the hearing on this allegation.
- [7] Probation officer Erik Adkins testified at the dispositional hearing on October 2, 2023. Based on his experience with Meeks since the start of probation in July 2022, Adkins testified that he did not consider Meeks to be a good candidate for continued probation. Adkins acknowledged on cross-examination that Meeks

had completed a three- to four-month inpatient treatment program that began around the start of his probationary period. Meeks testified that he “maintained some sobriety thereafter” but then relapsed, resulting in the failed drug and alcohol screens beginning in February 2023. *Transcript* at 15.

[8] The trial court revoked 1,260 days of the 1,950-day suspended sentence and ordered Meeks to serve that time in the DOC. The court also terminated probation as unsuccessful.

[9] Meeks now appeals. Additional information will be provided as needed below.

Discussion & Decision

[10] Probation is a matter of grace left to trial court discretion, not a right to which a criminal defendant is entitled. *Prewitt v. State*, 878 N.E.2d 184, 188 (Ind. 2007). Once a trial court has exercised its grace by ordering probation rather than incarceration, the trial court has considerable leeway in deciding how to proceed. *Id.* Accordingly, a trial court’s sentencing decisions for probation violations are reviewable for an abuse of discretion and reversible only where the decision is clearly against the logic and effect of the facts and circumstances. *Id.* “If the court finds the defendant has violated a condition of his probation at any time before the termination of the probationary period, and the petition to revoke is filed within the probationary period, then the court may order execution of the sentence that had been suspended.” *Gosha v. State*, 873 N.E.2d 660, 664 (Ind. Ct. App. 2007); *see also* Ind. Code § 35-38-2-3(h) (listing three sanctions that may be imposed on the finding of a violation: (1) continue the

person on probation with or without modification; (2) extend the probationary period; or (3) order execution of all or part of the sentence that was suspended at the time of the initial sentencing).

[11] Meeks does not challenge the trial court’s finding that he violated probation. Rather, he contends that the court abused its discretion by returning him to the DOC for 1,260 days for mere technical violations.

[12] At the probation revocation hearing, Meeks admitted relapsing and using methamphetamine and alcohol, which resulted in multiple failed drug and alcohol screens from February 2 through April 18, 2023. These were not technical violations of probation. *See Overstreet v. State*, 136 N.E.3d 260, 264 (Ind. Ct. App. 2019) (“[Defendant’s] three positive drug screens are hardly mere ‘technical’ violations of probation.”), *trans. denied*. Moreover, the violations occurred within months of him completing inpatient treatment and less than seven months after beginning his probationary period of over five years.

[13] Meeks’s criminal history shows that he has struggled with substance abuse for decades and has been granted leniency many times with suspended sentences and treatment opportunities. And contrary to his testimony that he has had “absolutely no problem whatsoever with probation” before, the record documents that he had probation unsuccessfully terminated in 2004 and, in another case, revoked in 2006 for committing a new offense. *Transcript* at 16.

[14] Meeks failed to seize on the significant leniency provided by the plea agreement in this case, and he returned to using drugs and alcohol. The trial court did not

abuse its discretion by revoking his probation and sending him to the DOC for 1,260 days.

[15] Judgment affirmed.

Bradford, J. and Felix, J., concur.

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