

MEMORANDUM DECISION

Pursuant to Ind. Appellate Rule 65(D), this Memorandum Decision shall not be regarded as precedent or cited before any court except for the purpose of establishing the defense of res judicata, collateral estoppel, or the law of the case.



ATTORNEY FOR APPELLANT

Darren Bedwell
Indianapolis, Indiana

ATTORNEYS FOR APPELLEE

Theodore E. Rokita
Attorney General

Jodi Kathryn Stein
Supervising Deputy Attorney
General
Indianapolis, Indiana

IN THE COURT OF APPEALS OF INDIANA

Krista Lynn Sciotto,
Appellant-Defendant,

v.

State of Indiana,
Appellee-Plaintiff.

February 24, 2022
Court of Appeals Case No.
21A-CR-1941

Appeal from the
Vermillion Circuit Court

The Honorable
Jill D. Wesch, Judge

Trial Court Cause No.
83C01-2001-F6-9

Vaidik, Judge.

- [1] In November 2020, Krista Lynn Sciotto pled guilty to Level 6 felony operating a vehicle with an alcohol concentration equivalent to at least 0.15 gram of

alcohol per 210 liters of breath and admitted being a habitual vehicular substance offender. In accordance with the plea agreement, the trial court sentenced Sciotto to four years, with two years executed as a direct commitment to community corrections and two years suspended to probation. The court also ordered Sciotto to pay, among other fees, a “\$100.00 Initial Probation User Fee” and a “\$30.00 Monthly Probation Fee for each month of probation.” Appellant’s App. Vol. II p. 28.

[2] In July 2021, Sciotto admitted violating the terms of community corrections and probation by testing positive for controlled substances. The trial court revoked Sciotto’s community-corrections placement and probation and ordered her to serve the balance of her four-year sentence in the Indiana Department of Correction.

[3] Sciotto now appeals. Specifically, she notes the “Court Costs and Filing Fees” section of her CCS reflects that she owes probation fees even though she has “served no time on probation in this case and is not expected to do so.” Appellant’s Br. pp. 6, 11 (citing Appellant’s App. Vol. II p. 20). As such, she asks us “to remand this case to the trial court for removal of her probation fees.” *Id.* at 11 (citing *Johnson v. State*, 27 N.E.3d 793, 795 (Ind. Ct. App. 2015) (holding a defendant is only responsible for probation fees for time “actually served” on probation)). The State acknowledges Sciotto is only responsible for probation fees for time served on probation but claims the record is “unclear” as to whether she has served any time on probation. Appellee’s Br. p. 10. The State says Sciotto “is correct that remand is appropriate.” *Id.* at 8. We therefore

remand this case to the trial court with instructions to recalculate the amount of probation fees Sciotto owes, if any.

[4] Remanded.

Najam, J., and Weissmann, J., concur.