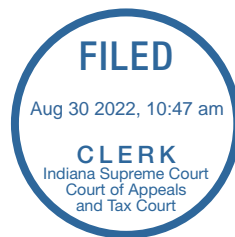


## MEMORANDUM DECISION

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.



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## IN THE COURT OF APPEALS OF INDIANA

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Waynette King,  
*Appellant-Defendant,*

v.

State of Indiana,  
*Appellee-Plaintiff.*

August 30, 2022

Court of Appeals Case No.  
21A-CR-2833

Appeal from the Madison Circuit  
Court

The Honorable Andrew R.  
Hopper, Judge

Trial Court Cause No.  
48C03-1908-F2-1953

**Weissmann, Judge.**

[1] After King was convicted of dealing in methamphetamine, she entered into a plea agreement requiring her to successfully complete the Madison County Drug Court Program (Program) or spend the next 10 years in prison. She violated several Program rules within months of entering the Program, and the trial court terminated her from the Program and sent her to prison to serve her sentence. We affirm, finding the court did not abuse its discretion when it terminated King's participation in the Program because the record contained ample evidence she broke the Program's rules.

## Facts

[2] After King drove away from an Anderson motel where she had purchased half an ounce of methamphetamine, she was stopped for speeding by police who had been watching the motel for illegal drug activity. Because King told police that the drugs were hers and she intended to give the drugs to someone else, she was arrested and charged with dealing in methamphetamine as a Level 2 felony.

[3] King pleaded guilty as charged. The trial court sentenced her to 10 years imprisonment but stayed the sentence to allow her to participate in the Program. The State and King agreed that King would not serve any prison time if she successfully completed the Program by meeting milestones and following all of the Program's rules. However, if she was unsuccessful, she would serve the 10-year sentence in prison.

[4] King entered the Program in March 2020 but began breaking the rules three months later. She showed up late to a required court appearance, diluted a urine sample and failed that drug screen, and engaged in a prohibited romantic relationship with a participant in another problem-solving court program. Finding King had violated the Program’s rules, the court terminated her from the Program and ordered her to serve the previously stayed 10-year prison sentence. King appeals.

## Discussion and Decision

[5] King argues the trial court should not have terminated her from the Program because she had been largely successful in staying sober and committed only “relatively minor violations” of the Program’s rules. Appellant’s Br. at 11. However, King fails to show how the trial court’s decision was clearly against the logic and effect of the facts and circumstances where she repeatedly broke the Program’s rules.

### I. Standard of Review

[6] We review the trial court’s decision to terminate King from the Program as we would a revocation of placement in community corrections or probation—for an abuse of discretion. *Withers v. State*, 15 N.E.3d 660, 663 (Ind. Ct. App. 2014) (citing *Prewitt v. State*, 878 N.E.2d 184, 188 (Ind. 2007)). An abuse of discretion occurs where the decision is clearly against the logic and effect of the facts and circumstances. *Prewitt*, 878 N.E.2d at 188.

## II. The Record Supports the Trial Court’s Decision to Terminate King from the Program

[7] As a starting point, King acknowledges she violated the rules of the Program. But she argues the court should not have terminated her from the Program because she “had a long history of success” in it, “nearly graduated,” “maintained a substantial period of sobriety,” and committed “relatively minor” violations of the Program’s rules. Appellant’s Br. p. 11. And King is correct that, at the time she was terminated from the Program, she had been participating in the Program for nearly two years and was within seven months of graduation. Indeed, she had several successes as a participant: she appeared in court when required, got excused absences for the times she missed her treatment sessions, and tested negative for banned substances on hundreds of urine-sample screens. But our role on review requires us to focus not only on the evidence that supports King’s contention, but to make an ultimate determination of whether the trial court’s decision was clearly against the logic and effect of the facts and circumstances. King’s case included not just positive actions, but negative ones as well. She admittedly engaged in a romantic relationship with a participant in another problem-solving court program, a clear violation of the rules. And the court found additional rules violations, including that King showed up late to a court appearance—appearing only after she was contacted by a program director—and King submitted a diluted urine sample that nevertheless tested positive for alcohol.

- [8] Before King was admitted to the Program, the court warned her that the Program was rigorous and not easy to complete, and that “unsuccessful participation” would have “devastating consequences” for her. Tr. Vol. II, p. 53. The court stressed that failure to complete the Program would result in her serving the 10-year sentence in prison.
- [9] The court had the discretion to terminate King’s participation in the Program based on her violation of at least one of the conditions of the Program’s rules of participation. *See* Ind. Code § 33-23-16-14.5. The record contains ample evidence showing that King committed multiple violations. Therefore, King has failed to convince us that the court abused its discretion when it terminated her from the Program.
- [10] Affirmed.

Robb, J., and Pyle, J., concur.