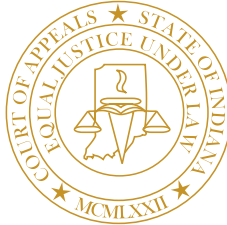


MEMORANDUM DECISION

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 Appellate Rule 65(D), this Memorandum Decision is not binding precedent for any court and may be cited only for persuasive value or to establish res judicata, collateral estoppel, or law of the case.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

Cornelius Crawford,
Appellant-Defendant

v.

State of Indiana,
Appellee-Plaintiff

September 23, 2024

Court of Appeals Case No.
24A-CR-763

Appeal from the Marion Superior Court
The Honorable Angela Dow Davis, Judge
The Honorable James K. Snyder, Magistrate

Trial Court Cause No.
49G01-2002-F5-5239

Memorandum Decision by Chief Judge Altice

Judges Bailey and Mathias concur.

Altice, Chief Judge.

Case Summary

[1] While serving probation in this case, Cornelius Crawford committed a new offense and admitted to violating probation. The trial court ordered him to serve one year of the previously-suspended sentence in the Indiana Department of Correction (the DOC). Crawford appeals and asserts that the court abused its discretion in ordering him to serve executed time as a sanction for his violation of probation.

[2] We affirm.

Facts & Procedural History

[3] In February 2020, Crawford was involved in an incident in which he was charged with five offenses, including several batteries, strangulation, and resisting law enforcement. In June 2020, Crawford pled guilty to two Level 5 felony batteries, one resulting in bodily injury to a person under fourteen years old (Count 1) and the other resulting in injury to a public safety official (Count 2); the remaining charges were dismissed. For Count 1, the trial court sentenced him to four years at the DOC, with two years executed and two suspended to probation, and for Count 2, the court imposed a consecutive one-year sentence suspended to probation. On August 2, 2021, Crawford was released from

incarceration and began serving his probation. Conditions of probation included that Crawford was not to commit any new criminal offense and was prohibited from consuming alcohol.

- [4] In December 2023, the State charged him with domestic battery as a Class A misdemeanor and, a few days later, filed a notice of probation violation based on the new criminal offense. At some point in the next few months, Crawford was found guilty at a bench trial of the domestic battery charge.
- [5] Thereafter, a probation violation hearing was held in the present case on March 7, 2024, and Crawford admitted that he violated probation by committing the new offense. Crawford testified that he was enrolled at Ivy Tech but had not been able to begin classes in January 2024 due to being incarcerated. He testified to struggling with both alcoholism and PTSD and stated that all of his convictions were related to his use of alcohol. Crawford testified that he had arranged with the Salvation Army to participate in a six-month inpatient drug and alcohol treatment program and that employment would be provided to him at the Salvation Army's warehouse. Crawford requested that he be permitted to serve the remainder of his time on home detention so he could begin classes and receive alcohol treatment.
- [6] The trial court revoked Crawford's probation and sentenced him to two years on community corrections home detention on Count 1 and to one year executed in the DOC on Count 2. The trial court ordered that Crawford participate in alcohol treatment while in community corrections.

[7] Crawford now appeals the sanction of one-year executed in the DOC.

Discussion & Decision

[8] Probation is a matter of grace left to the trial court's discretion and is 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 judge should have considerable leeway in deciding how to proceed." *Id.* If a trial court finds that a probationer has violated probation and revocation is warranted, it may impose one or more of the following sanctions: (1) continue the person on probation, with or without modifying or enlarging the conditions; (2) extend the person's probationary period for not more than one year beyond the original probationary period; or (3) order execution of all or part of the sentence that was suspended at the time of initial sentencing. *See* Ind. Code § 35-38-2-3(h). We review a trial court's selection of a sanction for an abuse of discretion. *Overstreet v. State*, 136 N.E.3d 260, 263 (Ind. Ct. App. 2019), *trans. denied*. An abuse of discretion occurs when the decision is clearly against the logic and effect of the facts and circumstances. *Id.*

[9] Here, in challenging the trial court's decision to order him to serve one year of incarceration, Crawford highlights that, after serving his executed time for the June 2020 convictions, he successfully completed a treatment program for anger management, as well as an inpatient substance abuse treatment program, he paid all fees and did not violate the no-contact orders, and all but two drug

screens were negative. He also enrolled and was waiting to begin classes at Ivy Tech. Crawford urges that he made “tremendous progress in seeking to reform the cause for his criminal conduct” and contends that the trial court abused its discretion when it did not “permit[] him to serve his backup time on home detention which would allow him to continue receiving treatment and pursue higher education” and, instead, ordered him to serve one year at the DOC.

Appellant’s Brief at 9, 10.

[10] While we commend Crawford’s successful completion of anger and alcohol treatments programs, we cannot say that the trial court’s decision to order him to serve one year at the DOC was an abuse of discretion. Crawford acknowledged at the probation revocation hearing that the domestic battery offense involved his use of alcohol, which he had been prohibited from consuming as a condition of probation. Crawford also acknowledged that his wife was the victim not only in the domestic battery case, but she also was involved in the February 2020 incident that resulted in the two felony battery convictions. Thus, as the State observes, despite being given opportunities to resolve his alcohol addiction and anger issues, Crawford “violated probation by engaging in the same conduct for which he was originally sentenced.” *Appellee’s Brief* at 6.

[11] On the facts before us, the trial court’s decision to sanction Crawford with one-year of incarceration was not an abuse of discretion. *See Overstreet*, 136 N.E.3d at 264 (rejecting probationer’s argument that, for his first violation of probation, the trial court should have placed him in a substance abuse treatment program

rather than the DOC, where he had received treatment for his substance use issues but continued to abuse drugs).

[12] Judgment affirmed.

Bailey, J. and Mathias, J., concur.

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