

MEMORANDUM DECISION

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IN THE COURT OF APPEALS OF INDIANA

Steven D. Williams,
Appellant-Defendant,

v.

State of Indiana,
Appellee-Plaintiff

September 1, 2023

Court of Appeals Case No.
23A-CR-826

Appeal from the Madison Circuit
Court

The Honorable David A. Happe,
Judge

Trial Court Cause No.
48C04-1810-F5-2609

Memorandum Decision by Judge Mathias
Judges Vaidik and Pyle concur.

Mathias, Judge.

[1] Steven D. Williams appeals the Madison Circuit Court’s order that he serve 538 days of his previously suspended sentence in the Department of Correction following his failure to report to community corrections. Williams raises a single issue for our review, namely, whether the trial court abused its discretion when it ordered him to serve a portion of his previously suspended sentence. We affirm.

Facts and Procedural History

[2] In January 2019, Williams pleaded guilty to Level 5 felony intimidation and Level 6 felony criminal confinement. His plea agreement set a cap of two years on any executed sentence and provided that any executed sentence would be served in community corrections. The trial court accepted Williams’s plea agreement and entered judgment of conviction against him.

[3] Following a sentencing hearing, on February 26, 2019, the trial court ordered Williams to serve four years with two years executed in community corrections and two years suspended to probation. In particular, the court ordered Williams to report immediately to the Madison County Community Justice Center Adult Day Reporting/Continuum of Sanctions Program (“the Program”) to begin his sentence. Williams did not report to the Program, and, on August 4, 2020, the Executive Director of the program filed a notice of violation with the court. The court issued a warrant for Williams’s arrest.

[4] Williams learned about the warrant in late 2022, but he did not turn himself in. Instead, he was eventually arrested in the course of a traffic stop. During a

hearing on the notice of violation in March 2023, Williams testified that, the day after the trial court sentenced him on his guilty plea on February 26, 2019, he was served with a warrant for a case out of Henry County. The trial court in that case ordered him to serve approximately six months in the Henry County Jail. Upon his release, rather than reporting to the Program in Madison County, Williams walked to his father's house in Anderson, where he learned that his father was terminally ill and staying with family in Kentucky. Williams was able to travel to Kentucky to see his father before he died. After that, Williams stayed with his children in his deceased father's house until it sold. At that point, Williams lived with his children in "the woods" for three years. Tr. p. 26. At the conclusion of the hearing, the trial court revoked Williams's community corrections placement and ordered him to serve 538 days in the Department of Correction. This appeal ensued.

Discussion and Decision

[5] Williams appeals the trial court's order that he serve 538 days of his previously suspended sentence executed with the Department of Correction. As our Supreme Court has made clear:

"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). It is within the discretion of the trial court to determine probation conditions and to revoke probation if the conditions are violated. *Id.* In appeals from trial court probation violation determinations and sanctions, we review for abuse of discretion. *Id.* An abuse of discretion occurs where the decision is clearly against the logic and effect of the

facts and circumstances, *id.*, or when the trial court misinterprets the law, see *State v. Cozart*, 897 N.E.2d 478, 483 (Ind. 2008)

Heaton v. State, 984 N.E.2d 614, 616 (Ind. 2013).

[6] The trial court acted within its discretion when it ordered Williams to serve 538 days of his previously suspended sentence. Williams failed to report to the Program for nearly *four years*. Still, Williams contends that the trial court abused its discretion because of the mitigating factors he proffered at the probation revocation hearing, namely, the death of his father and his responsibility to his children. Williams also argues that, given that he is transgender, he faces “adverse treatment” from other inmates should he be placed in the Department of Correction. Appellant’s Br. at 8. But Williams’s arguments on appeal simply seek to have this Court reweigh the evidence and substitute our judgment for the trial court’s, which we will not do. The trial court’s judgment is affirmed.

[7] Affirmed.

Vaidik, J., and Pyle, J., concur.