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IN THE
COURT OF APPEALS OF INDIANA

Shawn A. Haslam,
Appellant-Defendant,

v.

State of Indiana,
Appellee-Plaintiff.

August 30, 2022

Court of Appeals Case No.
22A-CR-911

Appeal from the Montgomery
Superior Court

The Honorable Heather L. Barajas,
Judge

The Honorable Andrew Adams,
Senior Judge

Trial Court Cause No.
54D01-2106-F6-1495

Brown, Judge.

- [1] Shawn A. Haslam appeals the trial court’s denial of his Motion to Clarify Sentencing Order for Probation. We affirm.

Facts and Procedural History

- [2] On June 8, 2021, the State charged Haslam with Count I, operating a vehicle with an alcohol concentration equivalent of .08 or more as a class C misdemeanor, and Count II, operating while intoxicated as a class C misdemeanor.¹ The State also filed an affidavit alleging that one of Haslam’s prior convictions served to elevate the offense of operating while intoxicated to a level 6 felony. Haslam and the State entered into a plea agreement, which was filed on February 7, 2022, pursuant to which Haslam agreed to plead guilty to operating while intoxicated as a level 6 felony under Count II and admit that he was an habitual vehicular substance offender and the State agreed to dismiss Count I. The plea agreement provided:

Agreement as to sentence: An enhanced sentence of seven (7) years shall be imposed, all suspended, probation for seven (7) years, home detention to be a term of probation for five (5) of those years, [Haslam] to receive good time credit for time spent on home detention.

Appellant’s Appendix Volume II at 17.

- [3] On March 9, 2022, the court held a hearing. The court reviewed the terms of the plea agreement with Haslam. The court stated “you would serve five years

¹ The information alleged the offenses occurred on or about June 5, 2021.

on home detention concurrently with probation” and “then you would have two years remaining after the five years of the home detention,” and Haslam stated “[y]es.” Transcript Volume II at 6. The court asked “[d]o you believe you’ll be able to complete that,” Haslam answered “[y]es, I will,” the court stated “[t]hat’s a lot of home detention,” and Haslam replied “I’ve never had a problem with home detention. No, sir.” *Id.* Haslam’s counsel then stated “[j]ust one question of clarification” and “with the good time credit of home detention, though, it’s just two and a half actual is how I explained it to him,” the court said “[t]hat would be my understanding, as well, unless they specifically set out a date otherwise,” and the prosecutor stated “[h]e would get day for day . . . on the home detention.” *Id.* at 6-7. Haslam pled guilty to operating while intoxicated as a level 6 felony and admitted he was an habitual vehicular substance offender. The court then proceeded to sentencing. The court’s sentencing order as amended states:

On Count II, [Haslam] sentenced to the Indiana Department of Corrections for a period of 2 years, suspended except for time served. [Haslam] shall receive jail time credit from 6/6/2021 to 6/6/2021 and 6/21/2021 to 7/14/2021. On the HVSO, [Haslam] sentenced to the Indiana Department of Corrections for a period of 5 years, suspended. [Haslam] shall serve five years (two and one-half years actual) on electronically-monitored home detention with West Central Regional Community Corrections as a term of probation; [Haslam] shall be hooked up within 14 days. Count II and the HVSO shall run consecutive to each other. [Haslam] placed on supervised probation for a period of 7 years. Count I is dismissed.

Appellant’s Appendix Volume II at 23. The court also entered an order of probation stating that Haslam was placed on probation for seven years.

[4] On April 4, 2022, Haslam filed a Motion to Clarify Sentencing Order for Probation. Haslam argued, “[w]hile the defendant was sentenced to a seven (7) year aggregate sentence, in effect, considering the executed time on home detention, the actual length of the sentence will be four and a half (4.5) actual years” and “Montgomery County Probation has projected a completion date in 2029, but with good time credit accrued before sentencing of fifty (50) days and the good time credit the defendant will receive while on Home Detention as a term of probation, defendants [sic] projected out date should be July 19, 2026.” *Id.* at 26. He requested the court to show a projected completion date of July 19, 2026.

[5] On April 5, 2022, the trial court denied Haslam’s motion. The entry in the chronological case summary states:

The proposed ORDER is DENIED; [Haslam] signed a plea that called for him to receive a sentence of 7 years probation; with the first five years to be served on Home Detention. He will receive day for day credit for house arrest and will complete the probation as called for in the plea. He will be released from probation in 2029.

Id. at 13.

Discussion

[6] Haslam asserts, “[f]actoring in the statutorily mandated day-for-day credit for time spent on home detention, five of [his] ordered years on probation should

only amount to two-and-a-half actual years” and “[t]he other two years of probation would not be subject to the home detention credit, making for a total of four-and-a-half actual years.” Appellant’s Brief at 8. The State maintains that “[t]he credit that [Haslam] is to receive for his time on home detention, however, only serves to shorten the time that he is to spend on home detention and not his agreed-upon seven-year term of probation.” Appellee’s Brief at 13.

[7] “Under the Indiana Penal Code, prisoners receive credit time that is applied to reduce their term of imprisonment.” *Purdue v. State*, 51 N.E.3d 432, 436 (Ind. Ct. App. 2016) (citations omitted). Ind. Code § 35-50-6-0.5(3) provides that “credit time” means “the sum of a person’s accrued time, good time credit, and educational credit.” “Accrued time” is the amount of time that a person is imprisoned or confined. Ind. Code § 35-50-6-0.5(1). “Good time credit” means “a reduction in a person’s term of imprisonment or confinement awarded for the person’s good behavior while imprisoned or confined.” Ind. Code § 35-50-6-0.5(5). Ind. Code § 35-50-6-6 provides: “A person imprisoned for a crime earns good time credit irrespective of the degree of security to which the person is assigned. Except as set forth under IC 35-38-2.5-5, a person does not earn good time credit while on parole or probation.”

[8] The court ordered that Haslam be placed on home detention as a term of probation. Ind. Code § 35-38-2.5-5 is titled “Home detention as a condition of probation.” Ind. Code § 35-38-2.5-5(a) provides that, as a condition of probation, a court may order an offender confined to the offender’s home for a period of home detention. Further, Ind. Code § 35-38-2.5-5 provides in part:

(d) A person’s term of confinement on home detention under this chapter is computed on the basis of accrued time on home detention plus any good time credit.

(e) A person confined on home detention as a condition of probation receives one (1) day of accrued time for each day the person is confined on home detention.

(f) In addition to accrued time under subsection (e), a person confined on home detention as a condition of probation is entitled to earn good time credit under IC 35-50-6-3 or IC 35-50-6-3.1.^[2] . . .

Ind. Code § 35-38-2.5-5.

[9] We note that Ind. Code § 35-38-2.5-5(d) expressly provides that a person’s “term of confinement on home detention” is computed on the basis of the person’s accrued time on home detention plus any good time credit, and it does not provide that the person’s term of probation is computed on the basis of accrued time on home detention plus any good time credit. Haslam does not point to a provision of Ind. Code § 35-38-2.5-5 which provides that the good time credit which a person earns while confined on home detention affects or reduces the length of the person’s ordered probation. Haslam’s plea agreement provided: “An enhanced sentence of seven (7) years shall be

² Ind. Code § 35-50-6-3 applies to a person who committed an offense before July 1, 2014. Ind. Code § 35-50-6-3.1 applies to a person who committed an offense after June 30, 2014, and provides in part: “(b) A person assigned to Class A earns one (1) day of good time credit for each calendar day or partial calendar day the person is imprisoned for a crime or confined awaiting trial or sentencing.” Ind. Code § 35-50-6-4(a) provides: “A person: (1) who is not a credit restricted felon; and (2) who is imprisoned for a Level 6 felony or a misdemeanor or imprisoned awaiting trial or sentencing for a Level 6 felony or misdemeanor; is initially assigned to Class A.”

imposed, all suspended, probation for seven (7) years, home detention to be a term of probation for five (5) of those years, Defendant to receive good time credit for time spent on home detention.” Appellant’s Appendix Volume II at 17. The court’s sentencing order, consistent with the plea agreement, states that Haslam “shall serve five years (two and one-half years actual)” on home detention and that Haslam be “placed on supervised probation for a period of 7 years.” *Id.* at 23. The trial court denied Haslam’s motion to clarify. We find no error.

[10] Based on the foregoing, we affirm the trial court.

[11] Affirmed.

Bradford, C.J., and Mathias, J., concur.