

MEMORANDUM DECISION

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IN THE COURT OF APPEALS OF INDIANA

Chari Lorene Vance,
Appellant-Defendant,

v.

State of Indiana,
Appellee-Plaintiff

August 15, 2023

Court of Appeals Case No.
23A-CR-648

Appeal from the
Marshall Superior Court

The Honorable
Matthew E. Sarber, Judge

Trial Court Cause No.
50D02-2105-F5-32

Memorandum Decision by Judge Vaidik
Judges Mathias and Pyle concur.

Vaidik, Judge.

Case Summary

- [1] Chari Lorene Vance appeals the sanction imposed by the trial court for her violation of probation. We affirm.

Facts and Procedural History

- [2] In November 2021, Vance pled guilty to Level 5 felony neglect of a dependent resulting in bodily injury and received a sentence of three years, with one year to serve on community corrections and two years suspended to probation. She quickly violated the rules of community corrections and was ordered to serve the remainder of the one-year executed term in the Department of Correction (DOC). With credit for time served, she was released to probation in March 2022.
- [3] Between August 2022 and February 2023, the State filed four motions to revoke Vance’s probation, alleging a variety of violations. After a hearing, the trial court found that the State had proven several violations, namely, Vance used methamphetamine on multiple occasions, possessed alcohol, and traded prescription medication for food or food stamps. Citing “the numerous violations, Defendant’s lack of remorse for the violations, and earlier violation of community-based supervision,” the court ordered Vance to serve the entire two years of suspended time in the DOC. Appellant’s App. Vol. II p. 140. The

court recommended that Vance be placed in the DOC's Recovery While Incarcerated addiction-treatment program.

[4] Vance now appeals.

Discussion and Decision

[5] Vance challenges the sanction imposed for her probation violations. Trial courts enjoy broad discretion in determining the appropriate sanction for a probation violation, and we review only for an abuse of that discretion. *Prewitt v. State*, 878 N.E.2d 184, 188 (Ind. 2007).

[6] Vance does not contest the trial court's decision to impose the full two years of suspended time. Instead, she argues that the court should have also ordered that she can "modify out" of the DOC before serving the full two years if she successfully completes the Recovery While Incarcerated program. Appellant's Br. pp. 7-8. She contends, "Often, criminal defendants will complete RWI only to return to general population and be exposed to drug usage and relapse." *Id.* at 8. She doesn't cite anything in the record to support this claim. In any event, we cannot say the trial court abused its broad discretion by ordering Vance to serve the entire two years. Vance already had two opportunities to avoid the DOC. She was initially placed in community corrections but immediately violated the rules. Then, after being released from her first stint in the DOC, she repeatedly violated the conditions of her probation, not only by using drugs and

possessing alcohol but also by trading her prescription medication. This history amply supports the trial court's chosen sanction.

[7] Affirmed.

Mathias, J., and Pyle, J., concur.