

MEMORANDUM DECISION

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IN THE
Court of Appeals of Indiana

Daisy Bloome,
Appellant-Defendant

v.

State of Indiana,
Appellee-Plaintiff



February 22, 2024

Court of Appeals Case No.
23A-CR-2227

Appeal from the Madison Circuit Court

The Honorable Mark Dudley, Judge

Trial Court Cause No.
48C06-1408-F4-1594

Memorandum Decision by Judge Crone
Judges Bailey and Pyle concur.

Crone, Judge.

Case Summary

- [1] Daisy Bloome appeals the trial court's revocation of her probation placement in an adult day reporting community corrections program. She challenges the sufficiency of the evidence to support the revocation. Finding the evidence sufficient, we affirm.

Facts and Procedural History

- [2] In February 2015, Bloome pled guilty to level 4 felony burglary and class A misdemeanor theft. Bloome was sentenced to an aggregate term of seven years, with twenty months executed in the Department of Correction (DOC) and five years and four months suspended to probation.
- [3] In August 2016, the State filed a notice of probation violation alleging that Bloome violated her probation by failing to comply with treatment recommendations, pay probation fees, and submit a urine drug screen. Bloome admitted to the violations and was ordered to serve one year of her previously suspended sentence on home detention. In May 2017, the State filed a second notice of probation violation alleging that Bloome failed to submit a urine drug screen and failed to pay home detention fees. Bloome admitted the violations and was ordered to serve the remainder of her executed sentence in the Madison County Jail and, upon release, be returned to probation. In July 2018, the State filed a third notice of probation violation alleging that Bloome violated the conditions of her probation by taking a substantial step toward committing

the crime of possession of cocaine. A hearing was scheduled for August 8, 2018. Bloome failed to appear, and a warrant was issued for her arrest. Bloome was arrested and appeared for an April 3, 2020 hearing. She admitted the violation, her suspended sentence was revoked, and she was ordered to serve the remainder of her sentence on adult day reporting in the Continuum of Sanctions (COS) program, with the initial placement on home detention.

[4] The State filed a notice to terminate adult day reporting/COS on September 9, 2021, alleging that Bloome committed rule violations by failing to attend a meeting with her case manager, failing to attend an appointment at the Community Justice Center, and failing to pay fees. Bloome admitted to the rule violations and was returned to the COS program. On August 17, 2022, the State filed a second notice to terminate adult day reporting/COS alleging that Bloome violated the rules of the program by failing to report to a scheduled appointment on August 1, 2022, and by failing to pay fees. The notice of violation stated that Bloome's whereabouts were unknown. A warrant was issued for Bloome's arrest, and she was taken into custody on July 22, 2023.

[5] An evidentiary hearing was held on August 25, 2023. Work release coordinator Mya McCann testified that the COS program was not aware of Bloome's whereabouts at the time she failed to report for her appointment and further that she was in arrears to the program in the amount of \$60. Bloome did not dispute that she failed to appear for her appointment or that she owed \$60. She stated that she thought she was finished with her sentence and had no obligation to report. Bloome also gave an elaborate story about why she was

unable to report, including accounts of numerous physical ailments and other obstacles. As for the fees, Bloome simply stated that she had money in a credit union account and asked the court if she could just pay the fees.

- [6] The trial court took judicial notice of its extensive file of previous placement violations in this case and further concluded that the State had presented sufficient evidence to prove that Bloome violated the terms of her placement in the adult day reporting/COS program. The court specifically noted that it did not find Bloome's testimony credible. The court revoked Bloome's suspended sentence and ordered her to serve the remainder of her sentence in the DOC. This appeal ensued.

Discussion and Decision

- [7] Bloome challenges the trial court's revocation of her placement in community corrections. We have observed that both probation and community corrections programs serve as alternatives to commitment to the DOC, and both are made at the sole discretion of the trial court. *Treece v. State*, 10 N.E.3d 52, 56 (Ind. Ct. App. 2014), *trans. denied*. Indeed, a defendant is not entitled to serve her sentence in either probation or a community corrections program; rather, such placement is a matter of grace and a conditional liberty that is a favor, not a right. *Id.* Our standard of review following a trial court's decision to revoke placement in community corrections is well settled:

The standard of review of an appeal from the revocation of a community corrections placement mirrors that for revocation of probation. That is, a revocation of community corrections

placement hearing is civil in nature, and the State need only prove the alleged violations by a preponderance of the evidence. We will consider all the evidence most favorable to the judgment of the trial court without reweighing that evidence or judging the credibility of witnesses. If there is substantial evidence of probative value to support the trial court's conclusion that a defendant has violated any terms of community corrections, we will affirm its decision to revoke placement.

McQueen v. State, 862 N.E.2d 1237, 1242 (Ind. Ct. App. 2007) (citations omitted).

- [8] Bloome contends that the State failed to present substantial evidence of probative value to support the trial court's conclusion that she violated any terms of her placement. We disagree. The State presented uncontroverted evidence that Bloome missed her August 2022 appointment and was in arrears regarding her required fees in the amount of \$60. Indeed, Bloome did not dispute that she missed the August 2022 appointment or that she failed to pay the required fees. Her excuses for not doing so were found not to be credible by the trial court. Sufficient evidence supports the trial court's conclusion that Bloome violated the terms of her placement, and therefore we affirm its decision to revoke.¹

¹ Bloome does not challenge the sanction imposed by the trial court.

[9] Affirmed.

Bailey, J., and Pyle, J., concur.

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