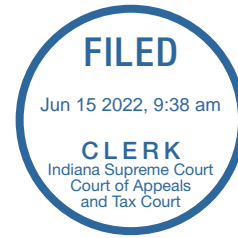


MEMORANDUM DECISION

Pursuant to Ind. Appellate Rule 65(D), this Memorandum Decision shall not be regarded as precedent or cited before any court except for the purpose of establishing the defense of res judicata, collateral estoppel, or the law of the case.



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IN THE COURT OF APPEALS OF INDIANA

Hannah P. Jines,
Appellant-Defendant,

v.

State of Indiana,
Appellee-Plaintiff.

June 15, 2022

Court of Appeals Case No.
22A-CR-177

Appeal from the Ripley Superior
Court

The Honorable Jeffrey Sharp,
Judge

Trial Court Cause Nos.
69D01-2008-F6-117 and 69D01-
2105-F6-093

Altice, Judge.

Case Summary

- [1] After admitting to violating her probation, Hannah P. Jines appeals the revocation of her probation and the sentence imposed. Specifically, Jines argues that the trial court abused its discretion in terminating probation and ordering her to serve 1820 days of her previously suspended sentences.

We affirm.

Facts & Procedural History

- [2] On August 6, 2020, the State charged Jines, under cause number 69D01-2008-F6-117 (F6-117), with Count I, possession of methamphetamine as a Level 6 felony; Count II, maintaining a common nuisance as a Level 6 felony; and Count III, possession of paraphernalia as a Class C misdemeanor. On August 11, 2020, the State added Count IV, failure to appear as a Level 6 Felony.
- [3] On May 21, 2021, while Jines was out on bond in F6-117, the State charged her under cause number 69D01-2105-F6-93 (F6-93) with Count I, possession of methamphetamine as a Level 6 felony; Count II, unlawful possession of syringe as a Level 6 felony; Count III, possession of marijuana as a Class B misdemeanor; and Count IV, possession of paraphernalia as a Class C misdemeanor.

On October 27, 2021, Jines pled guilty in a consolidated plea agreement to Level 6 felony possession of methamphetamine under F6-117 and to Level 6 felony possession of a syringe under F6-93. Pursuant to the plea agreement, she

was sentenced to 910 days with 906 days suspended under F6-117 and to 910 days, all suspended, under F6-93. The sentences were ordered to be consecutive, resulting in an aggregate sentence of 1820 days, suspended to probation.

[4] When Jines failed to appear at her probation initial intake appointment on November 3, 2021, the appointment was rescheduled for November 16, 2021. On November 16, 2021, Jines contacted Probation Officer (PO) Andrew Campbell stating her “ride fell through,” so PO Campbell rescheduled her intake appointment for November 17, 2021. *Transcript* at 6. Jines again failed to appear for the intake appointment. Jines received a final notice advising her to report for the initial intake appointment on November 30, 2021. Jines again failed to report. The State filed a petition for a probation violation hearing. On December 1, 2021, the trial court issued an arrest warrant for Jines. Before she was arrested pursuant to the warrant, Jines called PO Campbell and came into the probation office. Jines has been incarcerated in the Ripley County Jail since December 1, 2021.

[5] At a hearing on December 22, 2021, Jines admitted to the allegations in the petition. During the hearing, Jines’s attorney asked, “if the Court thinks it is appropriate for additional time to be revoked, we would ask the Court to consider allowing her to serve that on house arrest.” *Transcript* at 18. The trial court revoked all 906 days in F6-117, and 365 days in F6-093 to be served in the Department of Correction, and terminated the remaining probation.

[6] Jines now appeals.¹ Additional facts will be provided as necessary.

Discussion & Decision

[7] We review a trial court’s sentencing decision in a probation revocation proceeding for an abuse of discretion. *Jones v. State*, 838 N.E.2d 1146, 1148 (Ind. Ct. App. 2005). An abuse of discretion occurs if the decision is against the logic and the effect of the facts and circumstances before the court. *Prewitt v. State*, 878 N.E.2d 184, 188 (Ind. 2007). Moreover, “[o]nce 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 the court finds the defendant has violated a condition of his probation at any time before the termination of the probationary period, and the petition to revoke is filed within the probation period, then the court may order execution of the sentence that has been suspended.” *Gosha v. State*, 873 N.E.2d 660, 664 (Ind. Ct. App. 2007); *see also* Ind. Code § 35-38-2-3(h).

[8] In setting forth the sanction, the trial court explained:

In evaluating Ms. Jines’ case, her character, the court makes the following findings: she was placed on probation for possession of methamphetamine, as a Level 6 felony, in F6-117 and possession of a syringe, as a Level 6 felony, in F6-093, both on October 27th, 2021. There were by my count, two failures to appear in those cause numbers. Ms. Jines indicates that is when she was

¹ On January 25, 2022, Jines’ filed a request to file of a belated appeal, which this court granted on February 8, 2022.

incarcerated at the Decatur County Jail from June 8 to November 3rd. That may be the case, it might excuse the failures to appears [sic] and I am not going to split the hairs on that, that is fine, but none the less, you had three or four cases pending all at the same time. She has violated her probation by, once again, not showing for appointments. She missed an appointment on November 16th and indicated that her ride fell through. Probation was generous enough to reschedule that to the 17th and she failed to appear on November 30th. So, basically three times probation tried to set something up for her, when technically you don't show up the once [sic], you violated and there are three instances of probation trying to work with her.

Transcript at 25. The trial court further explained:

Probation is rendered useless if an individual just fails to show and you didn't even show to get it started. So, maybe by sitting for a while, you can get involved in some programs. You can write the court and maybe we can review it or maybe I can determine that you have learned and have grown, but at this point, you have not continued to grow.

Id. at 26-27.

[9] On appeal Jines argues that the trial court abused its discretion in terminating probation and ordering her to serve 1820 days of her previously suspended sentences. Even though Jines admitted to her probation violations at the hearing, her actions do not indicate any change in behavior or a desire to abide by requirements established by the court. Jines's criminal history shows that she has repeatedly committed probation violations and missed three intake appointments. Consequently, the trial court did not abuse its discretion when it

ordered Jines to serve part of her sentence. *See Porter v. State*, 117 N.E.3d 673, 675 (Ind. Ct. App. 2018) (The trial court did not abuse its discretion when it ordered the probationer to serve the majority of his previously suspended sentence for reasons that include missing multiple probation appointments). Jines failed to adhere to the most fundamental element of her probation and demonstrated willful disregard to the efforts made by PO Campbell for rescheduling her intake appointment numerous times. The trial court did not abuse its discretion in terminating her probation.

[10] Judgment affirmed.

Vaidik, J. and Crone, J., concur.