MEMORANDUM DECISION

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CLERK
Indiana Supreme Court
Court of Appeals
and Tax Court

IN THE
Court of Appeals of Indiana

Ataul T. Shafeek,
Appellant-Defendant

v.

State of Indiana,
Appellee-Plaintiff

February 11, 2026

Court of Appeals Case No.
25A-CR-1927

Appeal from the Wayne Superior Court

The Honorable Gregory A. Horn, Judge

Trial Court Cause No.
89D02-1901-F4-5

Memorandum Decision by Judge Vaidik
Judges Bailey and Scheele concur.

Vaidik, Judge.

Case Summary

[1] Ataul T. Shafeek appeals the sanction imposed by the trial court for his violation of probation. We affirm.

Facts and Procedural History

[2] In April 2022, Shafeek pled guilty to Level 4 felony dealing in a narcotic drug and was sentenced to six years, with four years suspended to probation. Shafeek started probation in June 2023. Nine months later, in March 2024, the State sought to revoke his probation. The petition, which was amended several times, ultimately alleged that Shafeek violated his probation as follows: (1) he struck his girlfriend's son in the face with a closed fist in March 2024 and thereafter pled guilty to Class A misdemeanor domestic battery and was sentenced to 60 days in jail in December 2024, *see* Cause No. 89D03-2403-CM-79; (2) he used drugs; and (3) he failed to report to probation in September 2024. Shafeek admitted the violations.

[3] At the July 2025 sanctions hearing, evidence was presented that (1) Shafeek missed several probation appointments in 2024 and 2025, not just the one in September 2024; (2) he tested positive for cocaine three times; (3) following a probation-ordered initial assessment in November 2024, Shafeek failed to comply with his treatment plan, including missing at least two "Mental Health 101" classes; and (4) following a second assessment in May 2025, Shafeek was diagnosed with PTSD, Schizoaffective Disorder, and Dissociative Identity

Disorder and was waiting to hear back about his medication regimen. Tr. p. 15. Defense counsel, who acknowledged that Shafeek was not a good candidate for probation and that his recent mental-health diagnoses were "partly . . . on Mr. Shafeek for not getting them earlier," asked the trial court to order him to serve two years of his four-year suspended sentence on home detention. *Id.* at 30. The State, on the other hand, asked the court to order Shafeek to serve three years in the Department of Correction (DOC). The court agreed with the State and ordered Shafeek to serve three years in the DOC:

> I, too, am concerned and consider Mr. Shafeek's mental health diagnoses, however, that being said, most of that is on Mr. Shafeek. . . . But for his mental health diagnoses, which I am going to consider as a mitigating circumstance, I would revoke all of his probation, but given the mental health situation, I am going to consider that as a mitigating circumstance and agree with the State that three years of the four years of probation should be revoked.

Id. at 30-31.

[4] Shafeek now appeals.

Discussion and Decision

[5] Shafeek contends that the trial court erred in ordering him to serve three years of his four-year suspended sentence in the DOC for violating his probation. Trial courts enjoy broad discretion in determining the appropriate sanction for probation violations, and we review only for an abuse of that discretion. *Prewitt v. State*, 878 N.E.2d 184, 188 (Ind. 2007).

[6] Shafeek argues that the trial court did not give "sincere consideration" to his mental-health diagnoses. Appellant's Br. p. 8. But as detailed above, the court clearly considered Shafeek's mental-health diagnoses, as that issue was front and center at the sanctions hearing. The court expressed concern about Shafeek's mental-health diagnoses and found that they were mitigating.[1] In fact, the court said that but for Shafeek's mental-health diagnoses, it would have ordered him to serve all four years in the DOC. But as the court noted, Shafeek didn't really try to address his mental-health issues until shortly before the July 2025 sanctions hearing. Defense counsel and Shafeek himself placed some of the blame for that delay on him. *See* Tr. pp. 27 (Shafeek acknowledging that probation wanted to get him on the "fast track" in November 2024 but that he "blew it" because he didn't want to do group therapy), 30 (defense counsel noting that Shafeek's mental-health diagnoses were "pretty new" and acknowledging that was "partly" on Shafeek "for not getting them earlier"). The trial court did not abuse its broad discretion in ordering Shafeek to serve three years in the DOC.

[7] Affirmed.

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[1] Shafeek notes that the trial court's written order does not identify his mental-health diagnoses as a mitigator. *See* Appellant's App. Vol. 2 pp. 82-85. But given the trial court's clear remarks at sentencing, we find that the court, in fact, found his mental-health diagnoses to be mitigating. *See McElroy v. State*, 865 N.E.2d 584, 589 (Ind. 2007) (explaining that when oral and written sentencing statements conflict, appellate courts have "the option of crediting the statement that accurately pronounces the sentence or remanding for resentencing").

Bailey, J., and Scheele, J., concur.

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