MEMORANDUM DECISION

IN THE

Court of Appeals of Indiana

Daniel Jones,
Appellant-Defendant

v.

State of Indiana,
Appellee-Plaintiff

November 14, 2025

Court of Appeals Case No.
25A-CR-1552

Appeal from the Marion Superior Court

The Honorable Matthew E. Symons, Magistrate

Trial Court Cause No.
49D29-2302-F2-3529

Memorandum Decision by Judge Mathias
Judges Vaidik and Pyle concur.

Mathias, Judge.

[1] Daniel Jones appeals his sentence following the Marion Superior Court's revocation of his probation. Jones presents a single issue for our review, namely, whether the trial court abused its discretion when it ordered him to serve 900 days of his previously suspended sentence in the Department of Correction.

[2] We affirm.

Facts and Procedural History

[3] In February 2023, the State charged Jones with Level 2 felony dealing in cocaine, Level 4 felony possession of cocaine, and Level 6 felony maintaining a common nuisance. In June, the State added a fourth count, namely, Level 3 felony dealing in cocaine. In July, Jones pleaded guilty to Level 3 felony dealing in cocaine. In exchange, the State dismissed the remaining charges. Under Jones's plea agreement, the trial court sentenced him to six years with "executed time [a]s time-served" and five years on "reporting probation." Appellant's App. Vol. 2, p. 82.

[4] Beginning in December, the State filed five separate notices of probation violations. The first notice alleged that Jones had failed to report to probation, had failed to notify probation of a change of address, and had failed to submit to fifteen drug screens. Following a hearing, Jones admitted to two of the allegations and the State withdrew the remaining allegations. Jones served ninety days in the Adult Detention Center.

[5] In July 2024, the State filed a second notice of probation violation against Jones alleging two missed drug screens and two drug screens positive for THC. During a hearing on that notice, Jones admitted to the violations. The trial court ordered Jones to undergo a substance abuse evaluation and treatment and continued Jones on probation. The court advised Jones that he would be on "strict compliance," which Jones acknowledged meant "no 'F-ups.'" Tr. p. 41. The court added that it was "one more last chance" on probation. *Id.*

[6] After Jones tested positive for THC again on September 6, the State filed its third notice of probation violation, which it amended in November. The State alleged that Jones had two drug screens positive for THC; failed to notify probation about where he was staying each night (he was homeless at the time and was required to notify probation nightly); and failed to pay court-ordered fines, costs, and fees. At the ensuing hearing, the trial court found Jones to be indigent and appointed a public defender to represent him. The court told Jones that he did not want to "criminalize [him] for being homeless" but that Jones had to stop using drugs. *Id.* at 57. The court found Jones indigent as to the cost of the drug screens and fines, costs, and fees and returned him to probation.

[7] On February 7, the State filed its fourth notice of probation violation alleging one missed drug screen and an unsuccessful discharge from a substance abuse treatment program due to three unexcused absences. During a hearing on that notice, the trial court noted that Jones had achieved and maintained sobriety. The court expressed its concern that Jones was still homeless and dealing with extremely cold temperatures. And, after listening to Jones explain that he was

working hard to earn a living and comply with probation, the trial court removed the probation condition that he participate in a substance abuse treatment program. The court told Jones to continue with treatment "on [his] own" and released him back to probation. *Id.* at 83.

[8] On May 2, the State filed its fifth notice of probation violation after Jones missed a drug screen. The State later amended that notice and added an additional allegation that Jones had failed to report to probation. During a hearing on that notice, Jones stated that he had been sober for six months and had completed a workforce readiness program. Jones had also found a place to live. Jones testified that after missing a drug screen on April 21, he submitted to a drug screen on April 25, which was negative for drugs.

[9] Despite Jones's plea for leniency, the trial court revoked Jones's probation and sentenced him to 900 days of the balance of his sentence. Jones now appeals.

Discussion and Decision

[10] Jones appeals the trial court's order that he serve 900 days of his previously suspended sentence in the Department of Correction. As our Supreme Court has explained:

> Probation is a matter of grace left to trial court discretion, not a right to which a criminal defendant is entitled. It is within the discretion of the trial court to determine probation conditions and to revoke probation if the conditions are violated. In appeals from trial court probation violation determinations and sanctions, we review for abuse of discretion. An abuse of discretion occurs where the decision is clearly against the logic

> and effect of the facts and circumstances or when the trial court misinterprets the law. . . .
>
> Probation revocation is a two-step process. First, the trial court must make a factual determination that a violation of a condition of probation actually occurred. Second, if a violation is found, then the trial court must determine the appropriate sanctions for the violation.

Heaton v. State, 984 N.E.2d 614, 616 (Ind. 2013) (citation modified).

[11] Jones does not challenge the revocation of his probation. Instead, he argues that the trial court abused its discretion when it ordered him to serve 900 days of his previously suspended sentence. In support, Jones contends that the sentence "functionally punishes [him] for being poor, in violation of due process and the equal protection clause. The sanction also does not serve the purposes of probation. Instead, it frustrates Jones's rehabilitation and does nothing to make the community safer." Appellant's Br. at 13.

[12] First, with respect to Jones's due process argument, he relies on case law regarding the prohibition against revoking probation based on a defendant's failure to pay a fine "absent some showing of willfulness." *Id.* at 15 (citing *Smith v. State*, 963 N.E.2d 1110, 1112-113 (Ind. 2012)). However, here, the trial court found Jones indigent with respect to all costs and fees. The court did not revoke Jones's probation based on his failure to pay.

[13] Second, to the extent Jones argues that his "poverty became the only explanation for his violations," the trial court heard his testimony and rejected

that theory. Appellant's Br. at 16. Notably, the trial court had shown extreme sympathy for the progress Jones was making both on his road to sobriety and in his efforts to find stable housing and employment. Despite the "strict compliance" order following the second probation violation, the trial court continued Jones on probation until the fifth notice of probation violation.

[14] Jones's argument on appeal is simply a request for our Court to reweigh the evidence, which we will not do. In sentencing Jones, the trial court noted that Jones had "done a lot of good things." Tr. p. 108. But the court noted that he had been placed on strict compliance and had reached "the end of the road" for leniency. *Id.* In recognition of Jones's progress, the court rejected the State's recommended 1,815-day sentence.

[15] Considering only the evidence most favorable to the trial court's judgment, we cannot say that the trial court abused its discretion when it ordered Jones to serve 900 days of his previously suspended sentence in the Department of Correction after his fifth probation violation.

[16] Affirmed.

Vaidik, J., and Pyle, J., concur.

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