

MEMORANDUM DECISION

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IN THE COURT OF APPEALS OF INDIANA

Tracey L. Wheeler,
Appellant-Defendant,

v.

State of Indiana,
Appellee-Plaintiff.

October 10, 2023

Court of Appeals Case No.
23A-CR-1568

Appeal from the Vigo Superior
Court

The Honorable Charles D.
Johnson, Judge

Trial Court Cause No.
84D01-0709-FA-2987

Memorandum Decision by Judge Mathias
Judges Riley and Crone concur.

Mathias, Judge.

[1] Tracey L. Wheeler appeals the trial court’s denial of his motion to correct error in which Wheeler requested that the trial court award him an additional seventy-five days of credit time against his sentence. Wheeler raises a single issue for our review, namely, whether the trial court erred when it denied his motion to correct error. We affirm.

Facts and Procedural History

[2] On September 17, 2007, the State charged Wheeler with four Class A felonies and two Class B felonies. After a jury trial, the court entered judgment of conviction against Wheeler on the Class A felonies as well as a Class D felony. The court then ordered Wheeler to serve an aggregate term of 12,775 days executed in the Department of Correction.

[3] In May 2022, Wheeler filed a motion to have his placement modified. The State did not object to Wheeler’s request, and the court ordered him to be placed with Vigo County Community Corrections. There, Wheeler began to serve the remainder of his sentence on work release.

[4] Shortly thereafter, the State filed a petition to revoke Wheeler’s placement with community corrections. The trial court found that Wheeler had violated the conditions of his placement; however, the court ordered Wheeler to remain placed with community corrections and to continue with work release.

[5] On March 23, 2023, the State filed a second petition to revoke Wheeler’s placement with community corrections. At an ensuing hearing, Wheeler admitted to having violated the conditions of his release. And, on June 5, the

court revoked one year of Wheeler’s placement with community corrections and ordered Wheeler to serve that one year in the Vigo County Jail. The court further ordered Wheeler to serve the remaining, additional two years and 198 days of his original sentence on formal probation. In entering that order, the court awarded Wheeler with 11,482 days of credit time against his original sentence.

[6] Wheeler filed a motion to correct error and alleged that the court’s credit-time calculation had failed to account for an additional seventy-five days of credit time for the time Wheeler was incarcerated between March 23, 2023, and June 5, 2023, while awaiting the hearing on the State’s second motion to revoke his placement. The court denied Wheeler’s motion to correct error. This appeal ensued.

Standard of Review

[7] Wheeler appeals the trial court’s denial of his motion to correct error. We generally review such decisions for an abuse of the trial court’s discretion. *Alvarez v. State*, 147 N.E.3d 374, 377 (Ind. Ct. App. 2020), *trans. denied*. However, where “jail time credit is a matter of statutory right, trial courts generally do not have discretion in awarding or denying such credit.” *Id.* (citation omitted).

The record shows that the trial court awarded Wheeler his full amount of credit time.

- [8] Wheeler asserts that the trial court failed to award him seventy-five days of jail-time credit for the days he was incarcerated between March 23, 2023, and June 5, 2023. Based on the date of the commission of his offenses, Wheeler was entitled to one day of good-time credit for each day that he has been imprisoned for a crime or confined awaiting trial or sentencing. *See Ind. Code § 35-50-6-3 (2023)*.
- [9] The trial court originally sentenced Wheeler to 12,775 days. In revoking Wheeler’s placement with Vigo County Community Corrections, the court awarded Wheeler with 11,482 days of credit time against his original sentence. The total number of days from the date the State charged Wheeler on September 17, 2007, to the court’s revocation of Wheeler’s placement with Vigo County Community Corrections on June 5, 2023, is 5,741 days. Awarding one-to-one credit time for those days—i.e., doubling 5,741 days—results in 11,482 days of credit time, which is what the trial court awarded Wheeler. And the balance of that credit time from the original sentence is three years and 198 days.
- [10] A defendant is entitled to credit time only once. *See, e.g., Payne v. State, 838 N.E.2d 503, 510 (Ind. Ct. App. 2005), trans. denied*. Wheeler has received the credit to which he was entitled. Thus, the trial court did not err when it denied his motion to correct error, and we affirm the trial court’s judgment.

[11] **Affirmed.**

Riley, J., and Crone, J., concur.