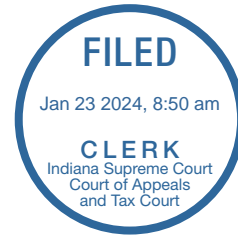


# MEMORANDUM DECISION

Pursuant to Ind. Appellate Rule 65(D), this Memorandum Decision is not binding precedent for any court and may be cited only for persuasive value or to establish res judicata, collateral estoppel, or the law of the case.



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# IN THE COURT OF APPEALS OF INDIANA

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Jason Wayne Morehouse,  
*Appellant-Defendant*

v.

State of Indiana,  
*Appellee-Plaintiff.*

January 23, 2024

Court of Appeals Case No.  
23A-CR-822

Appeal from the Tippecanoe  
Superior Court

The Honorable Steven P. Meyer,  
Judge

Trial Court Cause No.  
79D02-1503-FC-1

## Memorandum Decision by Judge Pyle

Judges Vaidik and Mathias concur.

**Pyle, Judge.**

## **Statement of the Case**

[1] Jason Wayne Morehouse (“Morehouse”) appeals following his admission that he had violated probation. Morehouse contends that the trial court erred by concluding that he was unsatisfactorily discharged from probation. Concluding that there was no error, we affirm the trial court’s judgment.

[2] We affirm.

## **Issue**

Whether the trial court erred by concluding that Morehouse was unsatisfactorily discharged from probation.

## **Facts**

[3] In June 2015, a jury found Morehouse guilty of Class C felony forgery and two counts of Class D felony theft. The trial court ordered Morehouse to serve concurrent sentences, and it imposed an aggregate sentence of eight (8) years executed at the Indiana Department of Correction (“DOC”) with the last year to be served as a direct placement on community corrections.

[4] In March 2018, the trial court modified Morehouse’s sentence, ordering him to serve five (5) years and 182 days at the DOC, “with the last 2 years and 182 days served through Tippecanoe County Community Corrections” and “the remaining 2 years and 183 days on supervised probation[.]” (App. Vol. 2 at 39). In May 2019, the community corrections home detention coordinator sent

the trial court a letter, notifying the court that Morehouse had “successfully completed nine hundred and twelve (912) actual days on his Tippecanoe County Community Corrections sentence on May 23, 2019.” (App. Vol. 2 at 38).

[5] On September 8, 2021, the State filed a petition to revoke Morehouse’s probation, alleging that Morehouse had violated probation by committing new offenses and that he had been charged with Level 2 felony burglary and Class A misdemeanor theft in cause 79D02-2108-F2-25 (“Cause F2-25”) on August 24, 2021. (App. Vol. 2 at 36). In September 2022, the trial court held a hearing during which Morehouse admitted to violating his probation by committing the new offense of burglary in Cause F2-25.<sup>1</sup>

[6] In March 2023, the trial court held a disposition hearing for Morehouse’s probation violation. During this hearing, Morehouse’s counsel argued that the trial court could not order him to serve any previously suspended sentence for his probation violation because Morehouse had already served the entirety of his modified sentence for his forgery and theft convictions. The trial court agreed. The trial court noted the May 2019 letter from community corrections indicated that Morehouse had served 912 actual days on community corrections but that he had been required to serve only 455 days on community corrections. The trial court found that the extra time that Morehouse had

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<sup>1</sup> During that September 2022 hearing, Morehouse also pleaded guilty to a lesser offense of Level 5 felony burglary and to being an habitual offender in Cause F2-25.

served on community corrections had “satisfie[d] the entire balance of [Morehouse’s] probation.” (Tr. Vol. 2 at 53). The trial court stated that “even though [Morehouse] had served all the time[,]” he had a violation of probation and that the court was going to deem Morehouse as being “unsatisfactorily discharged” from probation. (Tr. Vol. 2 at 53). Morehouse’s counsel stated, “We accept that Judge.” (Tr. Vol. 2 at 53). Thereafter, the trial court entered its order, concluding that Morehouse was “unsatisfactorily discharged” from probation. (App. Vol. 2 at 26).

[7] Morehouse now appeals.

## **Decision**

[8] Morehouse argues that the trial court erred by finding that he was unsatisfactorily discharged from probation. Morehouse “concedes that he raised no objection to the entry of an unsatisfactory discharge in [the] proceedings before the trial court.” (Morehouse’s Br. 5).

[9] We need not address Morehouse’s argument based on the doctrine of invited error. “When the failure to object accompanies the party’s affirmative requests of the court, it becomes a question of invited error.” *Durden v. State*, 99 N.E.3d 645, 651 (Ind. 2018) (cleaned up). “This doctrine—based on the legal principle of estoppel—forbids a party from taking advantage of an error that [h]e commits, invites, or which is the natural consequence of h[is] own neglect or misconduct” and it “may apply to a variety of errors the party requested of the trial court[.]” *Id.* (cleaned up). “[T]o establish invited error, there must be

some evidence that the error resulted from the appellant's affirmative actions as part of a deliberate, well-informed trial strategy." *Batchelor v. State*, 119 N.E.3d 550, 558 (Ind. 2019).

[10] As noted in the facts above, Morehouse took the affirmative action of admitting that he had violated the terms of his probation by committing a new offense. During that probation revocation hearing, Morehouse made no argument regarding his probationary period. Thereafter, during the subsequent disposition hearing, the trial court found, based on Morehouse's admission, that he had violated his probation. The trial court ultimately agreed with Morehouse's argument that the trial court could not order him to serve any previously suspended sentence for his probation violation because the extra time that Morehouse had served on community corrections had satisfied the balance of Morehouse's probation. When the trial court stated that Morehouse had a violation of probation and that the court was going to deem Morehouse as being "unsatisfactorily discharged" from probation, Morehouse's counsel did not object and instead explicitly "accept[ed]" the trial court's decision. (Tr. Vol. 2 at 53). Because Morehouse invited the error of which he now complains, we will not review his argument regarding any alleged error. *See Durden*, 99 N.E.3d at 651. Therefore, we affirm the trial court's judgment.<sup>2</sup>

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<sup>2</sup> Morehouse alternatively contends that the trial court's conclusion that he was unsatisfactorily discharged from probation constituted fundamental error. We will not address his fundamental error assertion because a claim of fundamental error can also be precluded by the doctrine of invited error. *See Isom v. State*, 170

[11] **Affirmed.**

Vaidik, J., and Mathias, J., concur.

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N.E.3d 623, 646 (Ind. 2021) (explaining that “invited error can defeat a claim of . . . fundamental error”), *reh’g denied*.

In any event, our review of the record reveals that Morehouse did not actually serve any “extra time” on community corrections. The May 2019 letter from community corrections was incorrect. Morehouse was not released from DOC to community corrections until March 2018, so he had served no more than 450 actual days as of May 23, 2019.