

## MEMORANDUM DECISION

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IN THE  
**Court of Appeals of Indiana**

Marvin Guy Riddle,  
*Appellant-Defendant*

v.

State of Indiana,  
*Appellee-Plaintiff*

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April 2, 2024

Court of Appeals Case No.  
23A-CR-2861

Appeal from the Howard Superior Court

The Honorable Hans S. Pate, Judge

Trial Court Cause No.  
34D04-2203-F4-640

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**Memorandum Decision by Judge Weissmann**  
Judges Mathias and Taviton concur.

## **Weissmann, Judge.**

- [1] Marvin Riddle broke the rules of his Community Corrections program. In response, the trial court ordered Riddle to serve the remainder of his suspended sentence, roughly 1½ years, with the Indiana Department of Correction. Riddle challenges this sanction as an abuse of the trial court’s discretion. We find no error and affirm.

## **Facts**

- [2] Riddle pleaded guilty to theft as a Level 6 felony and was sentenced to 30 months imprisonment. His sentence provided for 799 days to be served on home detention as a direct placement to the Howard County Community Corrections program and 114 days suspended to supervised probation. The court also ordered Riddle to pay \$5,700 in restitution. The terms of the Community Corrections program required Riddle to refrain from using illegal substances, submit to drug screens, and refrain from contacting known felons, among other restrictions.
- [3] Within eight months after being placed on home detention, Riddle had violated these rules. He twice tested positive for cocaine, methamphetamine, and amphetamine. Riddle also failed to report for other drug screens, had been in contact with known felons, and still owed \$3,499 in restitution fees.
- [4] Community Corrections filed a notice of violation based on these facts. Although Riddle did not deny the violations, he argued that he had been a responsible Community Corrections participant overall. He contended he had

maintained employment, completed rehabilitation services and therapy, and made progress towards paying his court-ordered restitution.

- [5] The trial court found Riddle violated the conditions of the Community Corrections program and ordered him to serve the rest of his suspended sentence, 509 days, with the Indiana Department of Correction. Riddle appeals.

## **Discussion and Decision**

- [6] “The standard of review for revocation of a community corrections placement is the same standard as for a probation revocation.” *Bennett v. State*, 119 N.E.3d 1057, 1058 (Ind. 2019). Both are “matter[s] of grace left to trial court discretion, not a right to which a criminal defendant is entitled.” *Prewitt v. State*, 878 N.E.2d 184, 188 (Ind. 2007). Accordingly, we review the trial court’s decision here for an abuse of discretion. *Id.* “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.” *Id.* (internal citations omitted).
- [7] The trial court did not abuse its discretion in ordering Riddle to serve the rest of his suspended sentence. Though the trial court mistakenly noted that “no evidence” existed that Riddle had paid any restitution, despite a sizeable decrease in his restitution amount, Riddle’s other violations were not minor. Riddle repeatedly tested positive for illegal substances: cocaine, methamphetamine, and amphetamine; failed to report for drug screens; and had repeated contact with known felons in violation of his probation. Riddle admitted these violations. Tr. Vol. II, pp. 4-5. These admitted violations alone

justify the trial court’s decision. *See Figures v. State*, 920 N.E.2d 267, 273 (Ind. Ct. App. 2010) (“Proof of any one violation is sufficient to revoke a defendant’s probation.” (internal quotation omitted)).

- [8] Finding no abuse of the trial court’s discretion in ordering Riddle to serve the rest of his suspended sentence, we affirm.

Mathias, J., and Tavitas, J., concur.

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