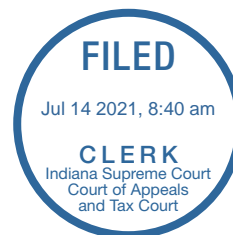


MEMORANDUM DECISION

Pursuant to Ind. Appellate Rule 65(D), this Memorandum Decision shall not be regarded as precedent or cited before any court except for the purpose of establishing the defense of res judicata, collateral estoppel, or the law of the case.



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IN THE COURT OF APPEALS OF INDIANA

Pebble S. Wood,
Appellant-Defendant,

v.

State of Indiana,
Appellee-Plaintiff.

July 14, 2021

Court of Appeals Case No.
21A-CR-206

Appeal from the
Jefferson Superior Court

The Honorable
Michael J. Hensley, Judge

Trial Court Cause Nos.
39D01-1912-F5-1447
39D01-2001-CM-19
39D01-2001-F6-74

Kirsch, Judge.

[1] Pebble S. Wood (“Wood”) appeals the trial court’s ruling that terminated her participation in Jefferson County Drug Court (“Drug Court”), raising one issue, which we restate as whether the trial court abused its discretion in terminating Wood’s participation in Drug Court.

[2] We affirm.

Facts and Procedural History

[3] On November 21, 2019, state parole officers conducted a sweep through Jefferson County. In Wood’s home they found methamphetamine. *Appellant’s App. Vol. 2* at 54. On December 10, 2019, the State charged Wood with Level 5 felony possession of methamphetamine and alleged that she was an habitual offender under cause number 39C01-1912-F5-1447 (“cause number F5-1447”). *Id.* at 51-53. On January 2, 2020, an officer saw Wood driving her car; the officer knew Wood’s driver’s license was suspended. *Appellant’s Conf. App. Vol. 2* at 64. The officer stopped Wood, and the subsequent inventory search of her car uncovered a glass smoking device. *Id.* On January 6, 2020, the State charged Wood with Class A misdemeanor driving while suspended and Class C misdemeanor possession of paraphernalia under cause number 39C01-2001-CM-19 (“cause number CM-19”). *Id.* at 59-60. On January 15, 2020, an officer arrested Wood on an outstanding warrant, and when the officer searched Wood’s purse, he found methamphetamine and clonazepam pills. *Id.* at 83. On January 17, 2020, the State charged Wood with Level 6 felony possession of

methamphetamine and Level 6 felony possession of a legend drug under cause number 39C01-2001-F6-74 (“cause number F6-74”). *Id.* at 95-96.

[4] On April 21, 2020, Wood pleaded guilty to Level 5 felony possession of methamphetamine (cause number F5-1447), Class A misdemeanor driving while suspended (cause number CM-19), and Level 6 felony possession of methamphetamine (cause number F6-74). *Tr. Vol. II* at 4-5. The trial court deferred judgment on Wood’s convictions pending her participation in Drug Court. *Id.* at 9; *Appellant’s App. Vol. 2* at 131.

[5] Shortly after her participation began, Wood violated Drug Court rules. *Tr. Vol. II* at 22-23. She was placed on electronic monitoring. Wood often violated the terms of the monitor agreement by failing to follow the schedule to which she had agreed. *Id.* at 16, 24. Wood missed numerous drug screens. *Id.* at 15, 22. As a result, she was required to complete community service and write a paper on the importance of following Drug Court rules. *Id.* Wood twice operated a vehicle without a valid driver’s license. *Id.* at 31. She also admitted to using methamphetamine at least four or five times. *Id.* At one point, as a result of her violations, Wood was ordered to complete an intensive addiction treatment program, which required her to attend ninety sessions in ninety days. Wood did not complete this program because she had already been ordered to seek in-patient treatment. *Id.* at 23. On another occasion, Wood missed a drug screen and had numerous electronic monitoring violations over a single weekend. As a result, she was sanctioned with seven days in jail. *Id.* at 24. On September 9, 2020, after the Drug Court case manager told Wood that she might be

terminated from Drug Court, Wood broke more Drug Court rules by drinking alcohol, removing her electronic monitoring bracelet, and failing to appear for a court date. *Id.* at 17, 32; *Appellant's App. Vol. 2* at 137.

[6] The next day, the trial court issued a failure to appear warrant. *Appellant's App. Vol. 2* at 175. On September 18, 2020, the State filed a “Petition to Terminate from the Drug Court Program.” *Id.* at 177. The State alleged Wood had violated the terms of Drug Court by admitting to using methamphetamine and pain pills, missing drug screens and drug screen call-ins, failing to follow her approved schedule, and removing her electronic monitoring bracelet. *Id.* at 178-79.

[7] On November 17, 2020, after hearing evidence related to the State’s petition, the trial court terminated Wood from Drug Court. *Tr. Vol. II* at 34. On December 15, 2020, the trial court held a sentencing hearing and ordered Wood to serve concurrent terms of six years for Level 5 felony possession of methamphetamine (cause number F5-1447), one year for Class A misdemeanor driving while suspended (cause number CM-19), and two and one-half years for Level 6 felony possession of methamphetamine (cause number F6-74), yielding an aggregate sentence of six years to be served in the Indiana Department of Correction (“DOC”). *Id.* at 42. Wood now appeals. We will provide additional facts as necessary.

Discussion and Decision

- [8] Placement in Drug Court serves as an alternative to commitment in DOC. Ind. Code § 33-23-16-14. Participation in Drug Court, like participation in probation, is “a matter of grace and a conditional liberty that is a favor, not a right.” *Withers v. State*, 15 N.E.3d 660, 664 (Ind. Ct. App. 2014). The decision to place a person in Drug Court is a matter of trial court discretion, and a trial court’s revocation of a person’s participation in Drug Court is reviewed for an abuse of discretion. *Flowers v. State*, 101 N.E.3d 242, 247 (Ind. Ct. App. 2018); *Monroe v. State*, 899 N.E.2d 688, 691 (Ind. Ct. App. 2009). A trial court abuses its discretion when its decision is clearly against the logic and effect of the facts and circumstances. *Prewitt v. State*, 878 N.E.2d 184, 188 (Ind. 2007). We do not reweigh the evidence or assess the credibility of witnesses, and we construe all evidence in favor of the trial court’s judgment. *Monroe*, 899 N.E.2d at 691.
- [9] Wood argues that the trial court abused its discretion when it terminated her from Drug Court, more specifically contending termination was an abuse of discretion because she completed some Drug Court requirements. For instance, Wood correctly notes that she did not miss any of her twice weekly appointments with the Drug Court case manager. *Tr. Vol. II* at 18-19. She also correctly observes that she participated in all of her Zoom Drug Court meetings. *Id.* at 19.
- [10] To her credit, Wood admits she violated many requirements of Drug Court:

Admittedly, Wood was not fully compliant. Wood admitted that she was an addict who had relapsed during her participation in Drug Court. . . . Wood used methamphetamine four (4) to five (5) times and drove a vehicle twice without a license during her time in Drug Court. . . . Wood received sanctions for these violations and for missing drugs screens and not following her monitoring schedule.

Appellant's Br. at 10 (internal citations to transcript omitted).

[11] Wood does not contend that the record fails to show that she violated some requirements of Drug Court; thus, Wood's admissions on appeal amply demonstrate that the trial court did not abuse its discretion in terminating her from Drug Court. Additionally, on one noteworthy day, Wood drank alcohol, cut off her electronic monitoring bracelet, and failed to appear for a court hearing. *Tr. Vol. II* at 25, 32. Wood also visited unauthorized locations. *Id.* at 24. The trial court found Wood's violations serious enough to order her to serve seven days in jail at one point during her time in Drug Court. *Id.*; *Appellant's App. Vol. 2* at 174. Wood's arguments ask us to reweigh the evidence, which our standard of review does not allow. *See Monroe*, 899 N.E.2d at 691. The trial court did not abuse its discretion in terminating Wood from Drug Court, imposing an aggregate sentence of six years, and ordering her to serve her sentence in DOC.

[12] Affirmed.

[13] Altice, J., and Weissmann, J., concur.