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IN THE
COURT OF APPEALS OF INDIANA

Derek Gaddis,
Appellant-Defendant,

v.

State of Indiana,
Appellee-Plaintiff.

November 2, 2021

Court of Appeals Case No.
21A-CR-1362

Appeal from the Fayette Circuit
Court

The Honorable Hubert Branstetter,
Jr., Judge

Trial Court Cause No.
21C01-2007-F5-383

Weissmann, Judge.

[1] Derek Gaddis appeals the revocation of his probation, arguing that the trial court abused its discretion in revoking his entire 2-year suspended sentence because the court failed to consider his mental health issues. We disagree and affirm.

Facts

[2] The State charged Gaddis with possession of a destructive device, a Level 5 felony. In exchange for Gaddis's guilty plea, the State promised a 3-year sentence, with 1 year executed in Community Corrections and 2 years suspended to probation. Early in January 2021, the trial court accepted the plea agreement and sentenced Gaddis accordingly. Less than a week later, Gaddis violated the terms of his probation agreement by testing positive for illegal substances. As a sanction, he lost his Community Corrections placement but kept his probation.

[3] Three months later, the State alleged Gaddis again violated the terms of his probation by attacking another inmate during lunch, breaking that inmate's finger so completely that "the tendons and everything was exposed[;] they had to go in and pin it together and sew everything back together." Tr. Vol. II, p. 15. The State petitioned for a probation violation hearing based on Gaddis's commission of a new crime, Level 3 felony aggravated battery.

[4] Finding Gaddis violated his probation, the court revoked the entirety of Gaddis's probation and ordered him to serve those 2 years in the Indiana

Department of Correction. Gaddis now appeals, challenging only the propriety of the sanction.

Discussion and Decision

[5] Probation is not a right but a matter of grace left to trial court discretion. *Prewitt v. State*, 878 N.E.2d 184, 188 (Ind. 2007). Revocation may be appropriate where the State proves by a preponderance of evidence that the probationer has violated a condition of their probation. Ind. Code § 35-38-2-3(a), (f); *Heaton v. State*, 984 N.E.2d 614, 617 (Ind. 2013). “[I]t is always a condition of probation that a probationer not commit an additional crime.” *Braxton v. State*, 651 N.E.2d 268, 270 (Ind. 1995). We review probation revocations for abuse of discretion, which occurs when the decision is clearly against the logic and effect of the facts and circumstances. *Prewitt*, 878 N.E.2d at 188. We do not reweigh evidence or judge witness credibility. *Woods v. State*, 892 N.E.2d 637, 639 (Ind. 2008).

[6] Gaddis does not challenge the trial court’s finding that he violated his probation. Rather, he argues that the trial court abused its discretion in revoking his entire term of probation without adequately considering his mental health issues, including his substance abuse. Gaddis cites *Patterson v. State*, 659 N.E.2d 220, 222-23 (Ind. Ct. App. 1995), but he relies on an overbroad interpretation of that case. We therefore find his argument unavailing.

[7] In *Patterson*, we observed: “[A]t a minimum, a probationer’s mental state must be considered in the dispositional determination of a probation revocation

proceeding.” *Id.* Gaddis attempts to apply this statement to all probation revocations, but in context, consideration of a probationer’s mental health is only required where: (1) the State alleges the probationer has violated probation by committing a new crime and (2) the probationer’s mental health issues affect the probationer’s degree of culpability with regard to that new crime. *See Hill v. State*, 28 N.E.3d 348, 350 (Ind. Ct. App. 2015) (quoting *Patterson*, 659 N.E.2d at 222). Because Gaddis did not connect his new crime to his poor mental health, the trial court was not required to consider Gaddis’s mental health during the revocation proceeding.

[8] After pleading guilty to the underlying offense on January 8, 2021, Gaddis promptly violated his probation by testing positive for illegal substances. Three months later, he violently attacked a fellow inmate. Probation is an opportunity that can be squandered. The trial court did not abuse its discretion in finding that Gaddis had squandered his.

[9] Accordingly, the trial court is affirmed.

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