

MEMORANDUM DECISION

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IN THE COURT OF APPEALS OF INDIANA

Christina Ann Helsley,
Appellant-Defendant,

v.

State of Indiana,
Appellee-Plaintiff

May 11, 2022

Court of Appeals Case No.
21A-CR-2465

Appeal from the Shelby Superior
Court

The Honorable David N. Riggins,
Judge

Trial Court Cause No.
73D02-1910-F6-520

May, Judge.

[1] Christina Ann Helsley appeals the revocation of her probation. Helsley argues the trial court abused its discretion when it revoked her probation and ordered her to serve the balance of her suspended sentence. We affirm.

Facts and Procedural History

[2] On February 10, 2020, Helsley pled guilty to Level 6 felony possession of methamphetamine.¹ The trial court sentenced Helsley to an eighteen-month term of incarceration, with all but ten days suspended to probation. The trial court ordered Helsley to serve the sentence consecutive to sentences she received in three other cases. The conditions of probation required Helsley to report to probation immediately upon her release from incarceration and to notify her probation officer “of any change of address, telephone number, other contact information, or employment within twenty-four (24) hours. This includes temporary lodging.” (App. Vol. II at 33.) On December 28, 2020, Probation Officer Keegan Ridgway filed a petition to revoke Helsley’s probation. The petition alleged Helsley failed to report to probation after her release from incarceration and she did not keep probation apprised of her address.

[3] On February 18, 2021, the trial court held a hearing on the petition to revoke probation, and Helsley admitted the violations. The trial court then held a

¹ Ind. Code § 35-48-4-6.1(a).

dispositional hearing on April 5, 2021. Helsley and the State reported to the trial court that they reached an agreement whereby Helsley would serve 100 days of her suspended sentence and then her probation would terminate. Helsley also asked the court to delay when she had to report to jail. Helsley explained she needed the additional time to remove her brother from life support and bury him. The trial court accepted the agreed sanction and ordered Helsley to report to jail on Friday, April 23, 2021, at 6:00 p.m. Helsley notified the trial court she had a pending jury trial in Hancock County, and the State indicated Helsley should be able to fully serve her sentence before the beginning of the trial in Hancock County. The trial court's order following the dispositional hearing specified:

Defendant is ordered to report to the Shelby County Criminal Justice Center on or before **6:00 P.M. on April 23, 2021.** **Defendant is allowed to continue on the previously posted bond in order to take care of affairs prior to reporting to the SCCJC. Defendant is advised that in the event she fails to report as ordered escape charges may be filed.**

(App. Vol. II at 47) (emphasis in original).

[4] Helsley failed to report to jail by the deadline, and Probation Officer Ridgway filed a second petition to revoke Helsley's probation on April 29, 2021. Helsley was subsequently apprehended, and the trial court held a fact-finding hearing on the second petition on October 7, 2021. Helsley moved for a continuance of the fact-finding hearing to have additional time "to get some affairs in order," (Tr. Vol. II at 16), but the trial court denied her motion. Probation Officer

Ridgway testified Helsley failed to report to jail by the court-ordered deadline. Helsley admitted she did not report to jail by the court's deadline, and she explained she was under the misimpression she was not required to begin serving her 100-day sanction until after her Hancock County case was resolved. The trial court found Helsley violated the terms of her probation and ordered Helsley to serve the balance of her suspended sentence incarcerated.

Discussion and Decision

- [5] “Probation is a criminal sanction wherein a convicted defendant specifically agrees to accept conditions upon his behavior in lieu of imprisonment.” *Carswell v. State*, 721 N.E.2d 1255, 1258 (Ind. Ct. App. 1999). “Probation is a matter 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). The trial court is charged with setting the conditions of probation and may revoke probation if those conditions are violated. *Id.* We review a trial court’s sanction following a revocation of probation 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.” *Id.*
- [6] “Probation revocation is a two-step process. First, the court must make a factual determination that a violation of a condition of probation actually occurred. If a violation is proven, then the trial court must determine if the violation warrants revocation of the probation.” *Woods v. State*, 892 N.E.2d 637, 640 (Ind. 2008). When a probationer admits to violating a condition of her

probation, the trial court may proceed to the second step of the inquiry, but the trial court must still give the probationer the opportunity to present mitigating evidence suggesting the violation does not merit revocation. *Id.* As a sanction for violating a condition of probation, the trial court may: (1) continue the probationer on probation; (2) extend the probationer’s probationary period for not more than one year beyond the original probationary period; or (3) order the probationer to serve all or part of the sentence that was suspended at the time of the probationer’s initial sentencing. Ind. Code § 35-38-2-3(h).

[7] Helsley contends the trial court abused its discretion in ordering her to serve the balance of her suspended sentence when “[t]he court had several alternative dispositions that were available and less punitive, including allowing Helsley to fulfill the initial agreement she had made with the State of serving 100 days in jail.” (Appellant’s Br. at 8.) However, Helsley’s conduct demonstrated a repeated unwillingness to comply with the terms and conditions placed on her by the trial court. She failed to report to probation after her release from incarceration, and she did not keep the probation department apprised of her address. Moreover, after the trial court extended Helsley the courtesy of delaying when she had to report to jail to begin serving her 100-day sanction, she absconded. This behavior merited additional sanction, and we cannot say the trial court’s order that Helsley serve the balance of her suspended sentence was an abuse of discretion. *See Brandenburgh v. State*, 992 N.E.2d 951, 954 (Ind. Ct. App. 2013) (holding trial court did not abuse its discretion in revoking

probationer's probation and ordering him to serve the balance of his sentence incarcerated), *trans. denied*.

Conclusion

[8] Helsley flagrantly violated the terms and conditions of her probation by failing to report to her probation officer and keep him apprised of her address, and she directly disobeyed the trial court's order that she report to jail on April 23, 2021. This flouting of the trial court's authority merited a harsh sanction. Therefore, the trial court did not abuse its discretion in ordering Helsley to serve the balance of her suspended sentence.

[9] Affirmed.

Brown, J., and Pyle, J., concur.