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**IN THE
COURT OF APPEALS OF INDIANA**

MARLON D. TAYLOR,
Appellant-Defendant,

vs.

STATE OF INDIANA,
Appellee-Plaintiff.

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No. 49A05-1010-CR-597

APPEAL FROM THE MARION SUPERIOR COURT
The Honorable Steven R. Eichholtz, Judge
The Honorable Michael S. Jensen, Magistrate
Cause No. 49G20-0911-FA-93628

May 6, 2011

MEMORANDUM DECISION - NOT FOR PUBLICATION

CRONE, Judge

Case Summary

Marlon D. Taylor challenges the sufficiency of the evidence supporting the trial court's finding that he violated his community corrections placement and probation. We affirm.

Facts and Procedural History

On December 9, 2009, Taylor pled guilty to class B felony dealing in cocaine. On March 1, 2010, the trial court sentenced him to a total of ten years, with two years executed and eight years suspended. The court placed him on probation for two years, committed him to community corrections on home detention, and ordered him to pay various costs and fees. On March 9, 2010, Taylor signed a contract in which he agreed to abide by the rules of his community corrections placement, which required him to be confined inside his residence except when “[w]orking or traveling directly to and from **approved** employment.” State’s Ex. 1.

On July 21, 2010, the State filed a notice of community corrections violation, which alleged that Taylor “failed to comply with the rules and regulations of Community Corrections” and “failed to comply with his monetary obligation.” Appellant’s App. at 38. More specifically, the notice alleged that on July 17, 2010, he “left his residence unscheduled” on seven occasions of varying duration between 12:36 a.m. and 8:05 a.m. and that he “was scheduled out to work from 8:00 AM to 8:00 PM” but “did not go to work as he was scheduled.” *Id.* On August 10, 2010, the State filed a notice of probation violation, which alleged that Taylor had failed to comply with the community corrections rules.

At a hearing on September 2, 2010, Taylor’s community corrections case manager testified regarding Taylor’s absences from his residence on July 17, which were recorded by his electronic home monitoring equipment. A police officer testified that Taylor was shot by a handgun later that morning at a residence located “quite a ways” from his place of employment. Tr. at 42. Taylor testified that his monitoring equipment was malfunctioning and that he had gone to work that morning but was shot nine times while taking a lunch break at a relative’s house. At the conclusion of the hearing, the trial court found that Taylor’s testimony regarding the monitoring equipment and the lunch break was not credible and further found that he had violated his community corrections placement and probation.¹ The court made no specific finding regarding Taylor’s alleged failure to comply with his monetary obligation. The court revoked Taylor’s probation and executed the suspended portion of his sentence. This appeal ensued.

Discussion and Decision

Taylor contends that the trial court’s finding that he violated his community corrections placement and probation is not supported by sufficient evidence. We have stated that

¹ Regarding the lunch break, the trial court remarked that Taylor could

only go through approved fixed locations of work. He never provided a schedule of check stubs or anything for his place of employment. And a fixed place of work doesn’t mean you can call your cousin up, get in his car and go for an eight-mile ride to somebody else to go to lunch at 9:30 in the morning, or someone is supposedly cooking lasagna at 9:30 in the morning. Again, I find this to be highly unbelievable [sic].

Tr. at 80.

[a] defendant is not entitled to serve a sentence in either probation or a community corrections program. Rather, placement in either is a matter of grace and a conditional liberty that is a favor, not a right.

The standard of review of an appeal from the revocation of a community corrections placement mirrors that for revocation of probation. That is, a revocation of community corrections placement hearing is civil in nature, and the State need only prove the alleged violations by a preponderance of the evidence. We will consider all the evidence most favorable to the judgment of the trial court without reweighing that evidence or judging the credibility of witnesses. If there is substantial evidence of probative value to support the trial court's conclusion that a defendant has violated any terms of community corrections, we will affirm its decision to revoke placement.

McQueen v. State, 862 N.E.2d 1237, 1242 (Ind. Ct. App. 2007) (citations and quotation marks omitted).

Taylor's arguments regarding his absences from his residence and his failure to go to work are essentially invitations to reweigh evidence and judge witness credibility in his favor, which we may not do. Therefore, we affirm.²

Affirmed.

NAJAM, J., and ROBB, C. J., concur.

² Taylor claims that the allegation regarding his absences from his residence "is of no real consequence" because his case manager testified that he was not "concerned" about some of them. Appellant's Br. at 8, 9. Regardless of the case manager's concern (or lack thereof), each absence constituted a violation of community corrections rules and probation. Taylor also claims that the State failed to prove that he did not comply with his monetary obligation. The State points out that the trial court did not rely on this alleged violation and that violation of a single condition of probation is sufficient to revoke probation. Appellee's Br. at 4 (citing *Richardson v. State*, 890 N.E.2d 766, 768 (Ind. Ct. App. 2008)) & n.3.