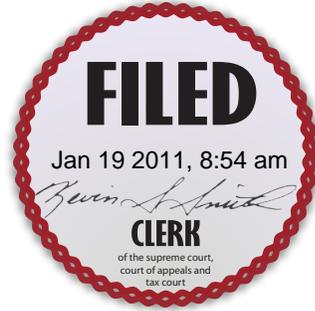


Pursuant to Ind. Appellate Rule 65(D), this Memorandum Decision shall not be regarded as precedent or cited before any court except for the purpose of establishing the defense of res judicata, collateral estoppel, or the law of the case.



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**IN THE  
COURT OF APPEALS OF INDIANA**

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CHRISTINA SMITH,  
Appellant- Defendant,

vs.

STATE OF INDIANA,  
Appellee- Plaintiff,

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No. 15A01-1003-CR-153

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APPEAL FROM THE DEARBORN SUPERIOR COURT  
The Honorable Sally A. Blankenship, Judge  
Cause No. 15D02-0906-FB-7

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**January 19, 2011**

**MEMORANDUM DECISION ON REHEARING - NOT FOR PUBLICATION**

**ROBB, Chief Judge**

In Smith v. State, Cause No. 15A01-1003-CR-153 (Ind. Ct. App., Nov. 16, 2010), we held Christina Smith’s four-year sentence for Class C felony reckless homicide was inappropriate in light of the nature of her offense and her character and remanded the case to the trial court to revise the sentence to “four years with two years suspended.” Slip op. at 2. The State has filed a petition for rehearing requesting we clarify whether the suspended portion of the sentence is to be served on supervised probation.

In finding a four-year executed sentence to be inappropriate, we acknowledged in particular positive aspects of Smith’s character and further acknowledged that the nature of her offense, though tragic, was not egregious. Nonetheless, the result of Smith’s actions was the loss of a life. Had we not intended Smith to be accountable to the trial court for her crime for the entire four years, we simply would have revised her sentence to two years executed. As the State points out, there is no consequence attached to a suspended sentence not served on probation. We therefore grant the State’s petition for rehearing and clarify that Smith’s sentence should be revised to four years, with two years suspended to supervised probation.

MAY, J., and VAIDIK, J., concur.