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**IN THE
COURT OF APPEALS OF INDIANA**

STEVEN E. MILES,)
)
Appellant-Defendant,)
)
vs.)
)
STATE OF INDIANA,)
)
Appellee-Plaintiff.)

No. 49A02-0809-CR-863

APPEAL FROM THE MARION SUPERIOR COURT
The Honorable Steven Rubick, Commissioner
Cause No. 49G04-0701-FC-8769

April 24, 2009

MEMORANDUM DECISION - NOT FOR PUBLICATION

BARNES, Judge

Case Summary

Steven Miles appeals the revocation of his community corrections placement. We affirm.

Issue

Miles raises one issue, which we restate as whether the trial court properly ordered him to serve the remainder of his community corrections sentence in the Department of Correction (“DOC”).

Facts

In June 2007, Miles pled guilty to one count of Class C felony forgery. Pursuant to the terms of the plea agreement, Miles was sentenced to five years with three years executed in a community corrections work release program and two years suspended to probation. On August 27, 2008, Miles admitted to violating a term of his community corrections placement. That same day, the trial court revoked his community corrections placement and ordered him to serve the remainder of that portion of his sentence in the DOC. Miles now appeals.

Analysis

Miles argues that the trial court abused its discretion when it ordered him to serve three years in the DOC after he admitted violating the terms of his community corrections placement. Miles’s claim appears to be based on the premise that his probation was

revoked. At issue here, however, is the revocation of his community corrections sentence.¹

Pursuant to Indiana Code Section 35-38-2.6-5, which pertains to placement in community corrections programs:

If a person who is placed under this chapter violates the terms of the placement, the court may, after a hearing, do any of the following:

- (1) Change the terms of the placement.
- (2) Continue the placement.
- (3) Revoke the placement and commit the person to the department of correction for the remainder of the person's sentence.

The trial court did not, as Miles claims, order him to serve “a term in excess of the suspended portion of the original sentence.” Appellant’s Br. p. 3. Upon admitting to violating the terms of his community corrections placement, the trial court revoked Miles’s placement in the community corrections program and ordered him to serve the remainder of his community corrections sentence in the DOC as expressly permitted by Indiana Code Section 35-38-2.6-5(3). The trial court did not revoke or otherwise modify the probation portion of Miles’s sentence. Miles has not shown that the trial court abused its discretion.

¹ The chronological case summary (“CCS”) and the transcript of the August 27, 2008 revocation hearing show that a notice of violation was first filed on September 10, 2007. This notice was not included in Miles’s appendix. Nevertheless, the CCS refers to a “NOTICE OF VIOLATION OF COMMUNITY CORRECTIONS RULES.” App. p. 12. Also, during the revocation hearing, the parties and the trial court discussed Miles’s community corrections placement, not his probation.

Conclusion

Miles has not established that the trial court abused its discretion by ordering him to serve the remainder of his community corrections sentence in the DOC. We affirm.

Affirmed.

BAKER, C.J., and MAY, J., concur.