

Case Summary

Michael Dewayne Lloyd appeals the trial court's imposition of his previously suspended sentence as a result of his work release violations. We affirm.

Issue

Lloyd raises one issue, which we restate as whether the trial court abused its discretion by ordering him to serve the remainder of his previously suspended sentence.

Facts

In 2003, Lloyd pled guilty to Class C felony non-support of a dependent child, and the trial court sentenced him to eight years with six years suspended to probation. In August 2004, Lloyd was released from prison and started his probation. The State filed numerous petitions for probation violations, and the trial court found Lloyd to be in violation of his probation on May 16, 2005, March 1, 2006, February 4, 2008, June 18, 2008, and February 8, 2010. In February 2010, the trial court ordered Lloyd to serve 1836 days of his previously suspended sentence at the Madison County Work Release Center.

On October 1, 2010, the State filed a petition to terminate Lloyd's work release. At a hearing, the State presented evidence that: (1) Lloyd was found with contraband (tobacco) on September 6, 2010; (2) Work Release facility staff were unable to locate Lloyd on September 7, 2010, and he received a conduct report for "unknown whereabouts"; (3) Work Release facility staff were unable to locate Lloyd on September 15, 2010, and he received a conduct report for "unknown whereabouts"; (4) Lloyd received a conduct report on September 15, 2010, for failing to notify work release of his

whereabouts and failing to do his assigned tasks; and (5) on September 17, 2010, Lloyd became belligerent and told Officer Brian Cornell that “he didn’t care where he did time,” that he had already done “twenty-five years or so in prison,” that he “had stabbed guards” and could have people waiting at the officer’s house when he got off work, and that he should “bitch slap” the officer. Tr. pp. 16-17. The trial court concluded that Lloyd had violated the terms of his work release and ordered him to serve the remainder of his suspended sentence in the Department of Correction (“DOC”).

Analysis

Lloyd challenges the trial court’s imposition of his previously suspended sentence as a result his work release violations. Indiana Code Section 35-38-2.6-5(3) provides that: “If a person who is placed under this chapter violates the terms of the placement, the court may, after a hearing, . . . [r]evoke the placement and commit the person to the department of correction for the remainder of the person’s sentence.” A community corrections program includes work release. Ind. Code § 35-38-2.6-2. “For purposes of appellate review, we treat a hearing on a petition to revoke a placement in a community corrections program the same as we do a hearing on a petition to revoke probation.” Cox v. State, 706 N.E.2d 547, 549 (Ind. 1999). Consequently, we review the trial court’s sentence imposed as a result of its revocation of Lloyd’s work release for an abuse of discretion. See Goonen v. State, 705 N.E.2d 209, 212 (Ind. Ct. App. 1999).

Lloyd argues that his violations were “mostly of a minor and technical nature” and that he did not actually threaten the corrections officer. Appellant’s Br. p. 4. While on probation, Lloyd repeatedly violated the terms of his probation and was placed on work

release. Once on work release, Lloyd repeatedly violated the terms of his work release. In imposing the remainder of Lloyd's previously suspended prison sentence, the trial court noted that due to Lloyd's comments to the corrections officer combined with his previous probation violations, "there really is no basis for us to try to continue with you in the community any further." Tr. p. 42. Although Lloyd tries to minimize his violations and his comments to the corrections officer, the trial court was well within its discretion when it ordered Lloyd to serve the remainder of his previously suspended sentence in the DOC.

Conclusion

The trial court did not abuse its discretion when it ordered Lloyd to serve the remainder of his suspended sentence in the DOC. We affirm.

Affirmed.

RILEY, J., and DARDEN, J., concur.