

## MEMORANDUM DECISION

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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Tyrrice L. Degraffenreid,  
*Appellant-Defendant,*

v.

State of Indiana,  
*Appellee-Plaintiff.*

December 29, 2022

Court of Appeals Case No.  
22A-CR-1812

Appeal from the Bartholomew  
Circuit Court

The Honorable Kelly S. Benjamin,  
Judge

Trial Court Cause No.  
03C01-2102-F6-667

**Weissmann, Judge.**

[1] Tyrrice Degraffenreid broke the rules of his probation. After admitting to the violations, the trial court revoked Degraffenreid’s probation and ordered him to serve the remainder of his sentence, about two years, in prison. Degraffenreid challenges the revocation, arguing that his violations did not warrant the severity of the sanction. Finding that the trial court did not abuse its discretion, we affirm.

## Facts

[2] Degraffenreid pleaded guilty to and was convicted of residential entry, possession of methamphetamine, and resisting law enforcement. The trial court sentenced him to three years, with credit earned for almost a year, all suspended to probation. As part of his probation Degraffenreid began living in a work release facility where, over the course of just four weeks, he accumulated a litany of probation violations.

[3] Degraffenreid failed to timely arrive for appointments with his probation officer, and sometimes he failed to appear at all. The appointments took place at the work release facility where Degraffenreid lived. Nonetheless, staff repeatedly had to go to Degraffenreid’s living pod and attempt to coerce him to attend the meetings. And despite receiving “the benefit of the doubt” for his tardy arrival at his first probation appointment, Degraffenreid went on to miss the next appointment entirely. Tr. Vol. II, p. 8. On top of this failure to report to his probation officer, Degraffenreid did not report to follow-up drug treatment appointments.

- [4] Degraffenreid’s behavior in the work release facility was also problematic. He acted disrespectfully towards staff and refused to comply with standard inspections of his personal area. In one instance, the lead residential officer, Jacob Hill, performed a routine walk-through of the pods and noticed Degraffenreid’s tote of belongings had been left open, a violation of the facility rules. Officer Hill asked Degraffenreid five times to close the tote. On the fourth attempt, Degraffenreid responded that the rule was “bullshit.” *Id.* at 10. Degraffenreid eventually complied with Officer Hill’s request to close the tote. But later, Officer Hill noticed Degraffenreid tampering with the tote by removing the metal rods in its hinges. Degraffenreid continued doing this even after Officer Hill asked him to stop. And when eventually Degraffenreid tried reinserting the metal rods into the hinges, he bent them, which prevented him from easily reassembling the tote.
- [5] Based on Degraffenreid’s behavior, Officer Hill suspected he had contraband in his tote. Officer Hill therefore decided to search the tote and, in accordance with facility protocol, asked Degraffenreid to leave the bunk area. Degraffenreid refused to comply, stating, “I ain’t going nowhere; this is my home, not yours. I’ll stand here all night if I want to.” *Id.* at 11. When Officer Hill repeated his order for Degraffenreid to leave the bunk area, Degraffenreid became aggressive; he cursed, yelled, and made threatening physical movements near Officer Hill.
- [6] Eventually, Officer Hill escorted Degraffenreid from his pod and returned to search the tote. The search revealed that Degraffenreid had again violated

facility rules by accumulating various prohibited items. These included duplicate facility-issued items such as blankets, towels, and pillowcases, as well as things like rubber gloves and a blue pill appearing to be ibuprofen. Officer Hill confiscated the prohibited items and explained to Degraffenreid that his behavior was unacceptable. Degraffenreid was put on work-only lock down until further notice.

[7] Degraffenreid had unexplainable absences from the facility “almost every single day.” *Id.* at 13. In one instance, Degraffenreid had six unaccounted for hours on a day he was approved to leave the facility for a job interview at a restaurant. The restaurant manager reported that Degraffenreid appeared at the interview but failed to complete the paperwork and was only there for around two hours. On top of this, Degraffenreid was routinely late and had unaccounted for time on his daily walk to work. After considering the normal time it would take to walk to Degraffenreid’s work, his probation officer determined there were 26 lost hours over just four weeks. Degraffenreid had no explanation for this.

[8] Based on these violations, the State moved to revoke Degraffenreid’s probation. At his probation revocation hearing, Degraffenreid admitted to the violations and took responsibility for his actions. The trial court revoked Degraffenreid’s probation and ordered him to serve his remaining two years in prison. The trial court found that Degraffenreid should have known to follow the rules, especially given his two decades of experience with probation and community corrections.

## Discussion and Decision

- [9] On appeal, Degraffenreid argues that reinstating his suspended sentence was inappropriate because his violations were minor, and he both admitted and took responsibility for actions. Finding no abuse of discretion in the trial court's decision to revoke probation, we affirm.
- [10] “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). Accordingly, we review a trial court's 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, or when the trial court misinterprets the law.” *Id.* (internal citations omitted).
- [11] Trial courts follow a two-step process in revoking a defendant's probation. “First, the trial court must make a factual determination that a violation of a condition of probation actually occurred.” *Id.* And “[s]econd, if a violation is found, then the trial court must determine the appropriate sanctions for the violation.” *Id.* The appropriateness of any sanction issued by the trial court “depend[s] upon the severity of the defendant's probation violation.” *Heaton v. State*, 984 N.E.2d 614, 618 (Ind. 2013). As Degraffenreid readily admits to his probation violations, he challenges only the trial court's sanction.
- [12] Revocation of Degraffenreid's probation was appropriate. First, it is well-settled that “proof of a single violation of the conditions of probation is sufficient to support the decision to revoke probation.” *Bussberg v. State*, 827 N.E.2d 37, 44

(Ind. Ct. App. 2005). Here, in only four weeks, Degraffenreid committed numerous probation violations. Indeed, his violations were specifically of the type that revealed he was “no longer a good candidate for work release.” *State v. Rivera*, 20 N.E.3d 857, 860 (Ind. Ct. App. 2014) (affirming probation revocation where defendant made “aggressive comments” and committed “technical violation[s] of the rules” at his work release facility). Degraffenreid consistently refused to follow the directions and instructions of facility staff. And he accumulated a substantial amount of unaccounted for time during his short stay in the facility. These facts all justify the trial court’s decision to revoke Degraffenreid’s probation.

[13] Finding that the trial court did not abuse its discretion in revoking Degraffenreid’s probation based on his numerous violations, we affirm.

May, J., and Crone, J., concur.