

Appellant/Defendant Quantita Jackson appeals from the trial court's order that she serve an executed sentence following her guilty plea to Class C felony fraud on a financial institution. Concluding that Jackson was denied due process when her participation in the Madison County Drug Court program was terminated, we reverse and remand with instructions.

FACTS AND PROCEDURAL HISTORY

On September 22, 2008, Jackson pled guilty to one count of Class C felony fraud on a financial institution, and, pursuant to the terms of the plea agreement, the trial court referred her to the Madison County Drug Court. On October 28, 2008, Jackson was formally admitted into the Drug Court program. On February 24, 2010, the drug court found that Jackson had lied under oath concerning alcohol consumption and terminated her participation in the Drug Court program. On April 19, 2010, the trial court sentenced Jackson to eight years of incarceration.

DISCUSSION AND DECISION

Pursuant to Indiana Code Section 12-23-14.5-15(d) (2009), a participant in a Drug Court program can be terminated if the drug court determines, after a hearing, that the person violated a condition established by the drug court or that the period of time that the conditions established by the drug court were in effect expired before the person successfully completed each condition established by the drug court. A defendant, however, is entitled to due process before such a determination can be made, namely "written notice of the claimed violations, disclosure of the evidence against h[er], an opportunity to be heard and present

evidence, the right to confront and cross-examine witnesses, and a neutral and detached hearing body[.]” *Gosha v. State*, 931 N.E.2d 432, 435 (Ind. Ct. App. 2010) (quoting *Cox v. State*, 706 N.E.2d 547, 549 (Ind. 1999)). The State concedes that it presented no sworn testimony or other evidence against Jackson at her hearing, that she was denied the opportunity to confront her accusers, and that there is no indication that she ever received written notice regarding her alleged violations or the evidence against her. We reverse the trial court’s order that Jackson serve her executed sentence and remand with instructions to conduct a hearing consistent with the due process protections outlined in *Gosha*.

We reverse the judgment of the trial court and remand with instructions.

KIRSCH, J., and CRONE, J., concur.