

# MEMORANDUM DECISION

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# IN THE COURT OF APPEALS OF INDIANA

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Jayson J. Roberts,  
*Appellant-Defendant,*

v.

State of Indiana,  
*Appellee-Plaintiff.*

November 14, 2022

Court of Appeals Case No.  
22A-CR-1198

Appeal from the Morgan Superior  
Court

The Honorable Brian H. Williams,  
Judge

Trial Court Cause No.  
55D02-2003-F6-409

**Mathias, Judge.**

[1] Jayson Roberts appeals the Morgan Superior Court’s revocation of his probation, arguing that the evidence presented at his conviction was insufficient to prove he violated a condition of his probation. We affirm.

### **Facts and Procedural History**

[2] On October 29, 2020, Roberts pleaded guilty and was sentenced for Operating a Vehicle While Intoxicated Endangering a Person. Appellant’s App. Vol. II p. 34. The charge was enhanced to a level 6 felony due to a prior conviction. *Id.* The trial court ordered Roberts to serve 910 days with 250 days executed in the Morgan County Jail, 250 days in home detention, and a probation period of 410 days. *Id.* at 42.

[3] On October 6, 2021, police were sent to investigate a report of domestic disturbance with shots fired at a residence in Indianapolis. Tr. Vol. II pp. 6–7. Detective Gootee testified that a witness, Tori Blair, claimed to be Roberts’s girlfriend and said she lived with him at the residence. *Id.* at 7. Blair informed police officers that she and Roberts had gotten into a verbal fight after he had returned home from work drunk. *Id.* at 8. Eventually, Blair took her children to her car to leave, but Roberts came outside with a handgun. Roberts was yelling and initially pointed the gun at Blair before firing four shots in the air. *Id.* at 8–9.

[4] After applying for and receiving a warrant, police officers found three or four spent shell casings and a live round in the front yard of the residence near the area where Blair parked her car. *Id.* at 9. Roberts was still inside the house but

exited once police used a PA system to order him to come outside. *Id.* at 11. After being taken into custody and read his *Miranda* rights, Roberts denied that any incident had occurred, denied that he ever shot a handgun, and denied that any shots were fired at all. *Id.* at 10. Police then searched the residence and found a gun matching the description given by Blair in the location she claimed it would be located. *Id.* at 9.

- [5] On October 13, 2021, the State filed a petition to revoke Roberts’s probation. Appellant’s App. Vol. II pp. 42–49. The trial court held a hearing on April 8, 2022, and Detective Gootee testified concerning Blair’s statements about the shooting. Tr. Vol. II pp. 2, 7–10. Roberts objected on hearsay grounds, but the trial court overruled his objection. *Id.* at 7–10. Roberts also moved to dismiss the probation violation on grounds that the State failed to prove his identity, that he was on probation, or what the terms of his probation were. Appellant’s App. Vol. II p. 65. However, the trial court denied the motion and found that Roberts had violated his probation. *Id.* at 66. Roberts now appeals.

### **Discussion and Decision**

- [6] In reviewing a trial court’s decision to revoke probation, we keep in mind that probation is a matter of grace, not a right to which a criminal defendant is entitled. *Heaton v. State*, 984 N.E.2d 614, 616 (Ind. 2013). Trial courts retain discretion to grant probation, to determine the conditions of a defendant’s probation, and to revoke probation if those conditions are violated. *Mateyko v. State*, 901 N.E.2d 554, 558 (Ind. Ct. App. 2009), *trans. denied*. Accordingly, we

review a trial court's decision to revoke probation for an abuse of discretion. *Id.* We consider only the evidence most favorable to the judgment, and we do not reweigh the evidence or judge the credibility of the witnesses. *Id.* A trial court abuses its discretion if its decision is clearly against the logic and effect of the facts and circumstances, or if the trial court misinterprets the law. *Killbrew v. State*, 165 N.E.3d 578, 581–82 (Ind. Ct. App. 2021) (citing *Prewitt v. State*, 878 N.E.2d 184, 188 (Ind. 2007)).

[7] Here, Roberts claims the trial court abused its discretion by allowing the admission of Blair's hearsay evidence offered through Detective Gootee. When we review the evidence in the light most favorable to the trial court's decision, *Mateyko*, 901 N.E.2d at 558, we do not agree.

[8] Our Supreme Court has ruled that hearsay evidence may be admitted during a probation revocation hearing if the hearsay is substantially trustworthy. *Reyes v. State*, 868 N.E.2d 438, 442 (Ind. 2007). It is ideal, though not strictly necessary, that the trial court explain why they found the hearsay to be trustworthy. *Id.* See *Knecht v. State*, 85 N.E.3d 829, 834 (Ind. Ct. App. 2017). Although the trial court in this case did not explicitly explain why it found the hearsay to be trustworthy, the significant amount of corroborating evidence found at the crime scene was enough to establish substantial trustworthiness.

[9] Roberts also argues that the State failed to properly identify him as the person who had previously been convicted and placed on probation. However, the State's exhibits clearly display Roberts's name, picture, and date of birth, and

the court found that this proved the defendant's identity "far beyond the clear and convincing standard." Appellant's App. Vol. II p. 66. Roberts argues that this evidence only pertained to the new offense and was insufficient to prove whether he was the same individual who had been placed on probation eighteen months prior. However, the trial court was able to take notice of its own court filings regarding Roberts's probation to establish his identity. *Id.* The trial court noted that "the State of Indiana may not have engaged in the kabuki dance of admitting the court[']s own orders as exhibits in the case in which the order already exists as a standing order, but the court does not find this to be fatal to the evidence as to petition to revoke." *Id.*

## **Conclusion**

[10] We conclude that the trial court did not abuse its discretion in admitting Officer Gootee's testimony into evidence, and that the trial court had sufficient evidence to establish Roberts's identity. Therefore, we affirm the judgment of the trial court.

[11] We affirm.

Robb, J., and Foley, J., concur.