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**In the
Indiana Supreme Court**



No. 57S03-1302-CR-136

KATHLEEN PETERINK,

Appellant (Defendant below),

v.

STATE OF INDIANA,

Appellee (Plaintiff below).

Appeal from the Noble Superior Court, No. 1
The Honorable Robert E. Kirsch, Judge

On Petition to Transfer from the Indiana Court of Appeals, No. 57A03-1112-CR-586

February 20, 2013

Massa, Justice.

Appellant Kathleen Peterink pleaded guilty to Possession of Marijuana as a Class A misdemeanor. The trial court sentenced her to one year imprisonment, suspended the sentence entirely, and placed her on probation for one year, six months of which was to be served on home detention.

Contrary to statutory authority,¹ the trial court also ordered that Peterink would not receive good time credit for her term of home detention. On appeal, the State conceded error and the Court of Appeals remanded with instructions to amend the sentencing order to allow for credit time. Peterink v. State, 971 N.E.2d 735, 737–38 (Ind. 2012). Today, we grant transfer and summarily affirm that portion of the opinion below. Ind. Appellate Rule 58(A)(2).

However, the Court of Appeals also found error in the trial court’s sentence of one year suspended with a year’s probation, citing its past precedent in Jennings v. State, 956 N.E.2d 203 (Ind. Ct. App. 2011), clarified on reh’g, 962 N.E.2d 1260 (Ind. Ct. App. 2012), trans. granted, 974 N.E.2d 1020 (table). Our decision today in Jennings v. State, No. 53S01-1209-CR-526, slip op. (Ind. February 20, 2013), dictates that the trial court be affirmed in this regard. We thus uphold the suspended sentence, with probation, but remand with instructions to allow for credit time for home detention.

Dickson, C.J., and Rucker, David, and Rush, J.J., concur.

¹ Ind. Code §§ 35-38-2.5-5 (2008) and 35-50-6-6 (2008).