

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

Steven Conrad,
Appellant-Defendant,

v.

State of Indiana,
Appellee-Plaintiff

February 15, 2019

Court of Appeals Case No.
18A-CR-1899

Appeal from the Marion Superior
Court

The Honorable Kurt Eisgruber,
Judge

The Honorable Steven J. Rubick,
Magistrate

Trial Court Cause No.
49G01-1705-F5-18057

Vaidik, Chief Judge.

[1] During the summer of 2018, Steven Conrad was convicted of Level 5 felony burglary and given a sentence of three years, with two years to serve through Marion County Community Corrections and one year suspended to probation. The trial court ordered Conrad to begin the executed portion of his sentence on home detention but gave community corrections “discretion to move him to other components as deemed appropriate.” Tr. p. 91. The court added, “He’ll be placed on a sliding scale for his community corrections monitoring fees.” *Id.*; *see also* Appellant’s App. Vol. II pp. 10, 13.

[2] Conrad now appeals, arguing that it is the responsibility of the trial court to set an offender’s home-detention fee and that the trial court improperly delegated that responsibility to community corrections in this case. We agree as to the first part. Indiana Code section 35-38-2.5-6(7) provides that an order for home detention must include, among other things, “[a] requirement that the offender pay a home detention fee **set by the court**[.]” (Emphasis added.) The second part of Conrad’s argument may be correct, too, but we do not have enough information to know one way or the other. All the trial court said was that Conrad would be “placed on a sliding scale for his community corrections monitoring fees.” There is no indication in the record of what “sliding scale” the court was referring to, who established the scale, or who administers it, so we have no way of knowing whether the court intended to delegate any statutory responsibility to community corrections. Therefore, we vacate the part of the sentencing order relating to the community-corrections/home-

detention fee, but we remand this matter to give the trial court an opportunity to clarify its intent regarding that fee.

[3] Reversed and remanded.

Mathias, J., and Crone, J., concur.