

COURT OF APPEALS OF INDIANA

Michael C. Davis v. State of Indiana

25A-CR-1132 · No. 25A-CR-1132 · Decided March 23, 2026

SUMMARY

The Indiana Court of Appeals affirmed the revocation of Michael C. Davis’s probation and the order requiring him to serve 2,502 days of his previously suspended sentence. The court held that Davis waived his right to counsel by conduct after repeated attorney withdrawals, obstructive conduct, warnings, and advisements regarding self-representation. The court also held that the State proved probation violations by a preponderance of the evidence and that the sanction was not an abuse of discretion.

CASE DETAILS

COURT	Court of Appeals of Indiana
WRITING FOR THE COURT	Judge Mathias; Judge May; Judge Felix
JURISDICTION	Court of Appeals of Indiana
DECIDED	March 23, 2026
DOCKET	25A-CR-1132
DISPOSITION	affirmed
PROCEDURAL POSTURE	Davis appealed the revocation of his probation and the order requiring him to serve 2,502 days of his previously suspended sentence.
STANDARD OF REVIEW	The court reviewed the probation revocation determination and sanction for abuse of discretion. It reviewed the sufficiency of the evidence by considering only the evidence most favorable to the judgment and affirming if substantial evidence of probative value supported the finding of a probation violation. Whether the trial court properly determined that Davis waived his right to counsel by his conduct was reviewed for error under the applicable right-to-counsel principles.
PRECEDENTIAL VALUE	published
PARTIES	Michael C. Davis v. State of Indiana

TOPICS

right to counsel

probation

criminal procedure

appellate procedure

standard of review

PRACTICE AREAS

criminal procedure

probation

appellate practice

QUESTIONS PRESENTED

1. Whether the trial court violated Davis's constitutional and statutory right to counsel by finding that he waived or forfeited that right through his conduct.
2. Whether the evidence was sufficient to establish that Davis violated the conditions of his probation.
3. Whether the trial court abused its discretion by revoking probation and ordering Davis to serve 2,502 days of his previously suspended sentence.

HOLDINGS

1. A defendant may waive or forfeit the right to counsel through persistent dilatory, obstructive, and uncooperative conduct, particularly after being warned that such conduct may result in loss of counsel and after being advised of the dangers and disadvantages of self-representation. The trial court properly determined that Davis waived his right to counsel by his conduct.
2. The State proved by a preponderance of the evidence that Davis violated two conditions of probation by having contact with children under sixteen and by being present at a park without court permission.
3. The trial court did not abuse its discretion by revoking Davis's probation and ordering him to serve 2,502 days of his previously suspended sentence.

KEY QUOTATIONS

“Once a defendant has been warned that he will lose his attorney if he engages in dilatory tactics, any misconduct thereafter may be treated as an implied request to proceed pro se and thus, as a waiver of the right to counsel.” (9)

“For this reason, the trial court did not abuse its discretion when it ordered him to serve 2,502 days of his previously suspended sentence.” (13)

FACTUAL BACKGROUND

Davis pleaded guilty to three felony offenses involving sex acts with his daughter and stepdaughter and received a sixteen-year aggregate sentence, with 3,232 days suspended to probation. His probation prohibited contact with persons under sixteen and presence at a park without court approval. During the criminal and probation proceedings, numerous appointed and privately retained attorneys withdrew after breakdowns in the attorney-client relationships, while Davis filed pro se motions, disciplinary complaints, and repeatedly failed to cooperate with competency evaluations. After repeated warnings concerning the consequences of his conduct and the dangers of self-representation, the trial court found that Davis had waived or forfeited his right to counsel by conduct, found that he violated two probation conditions, and revoked 2,502 days of his suspended sentence.

PROCEDURAL HISTORY

Davis pleaded guilty in 2022 to three felony offenses and received an aggregate sixteen-year sentence, with 3,232 days suspended to probation. In 2024, the State petitioned to revoke probation based on alleged contact with a person under sixteen and presence at a park without court approval. After bifurcated revocation proceedings, the trial court found violations, concluded Davis had waived his right to counsel by his conduct, and ordered execution of 2,502 suspended days. The Court of Appeals affirmed.

DISPOSITION

affirmed

CASES CITED

- Butler v. State, 951 N.E.2d 255, 259 (Ind. Ct. App. 2011)
- Vonhoene v. State, 165 N.E.3d 630, 636 (Ind. Ct. App. 2021)
- Gilmore v. State, 953 N.E.2d 583, 589-90, 592 (Ind. Ct. App. 2011)
- United States v. McLeod, 53 F.3d 322 (11th Cir. 1995)
- Poynter v. State, 749 N.E.2d 1122, 1128 (Ind. 2001)
- Prewitt v. State, 878 N.E.2d 184, 188 (Ind. 2007)
- Braxton v. State, 651 N.E.2d 268, 270 (Ind. 1995)
- Murdock v. State, 10 N.E.3d 1265, 1267 (Ind. 2014)
- Overstreet v. State, 136 N.E.3d 260, 263 (Ind. Ct. App. 2019), trans. denied
- Smith v. State, 963 N.E.2d 1110, 1112 (Ind. 2012)