

INDIANA SUPREME COURT

Lamenski Ewing v. State of Indiana

No. 26S-CR-43 (Ind. Feb. 12, 2026) · No. 26S-CR-43 · Decided February 12, 2026

SUMMARY

The Indiana Supreme Court held that a petition seeking revocation of work release did not provide adequate due-process notice that the State also sought to revoke the defendant’s subsequent probation. Because the petition mentioned neither probation nor the suspended portion of the sentence, the court reversed the probation revocation and granted transfer, vacating the Court of Appeals opinion. Justice Slaughter dissented, joined by Justice Massa.

CASE DETAILS

COURT	Indiana Supreme Court
WRITING FOR THE COURT	Justice Molter; Chief Justice Rush; Justice Massa; Justice Slaughter; Justice Goff
JURISDICTION	Indiana Supreme Court
DECIDED	February 12, 2026
DOCKET	26S-CR-43
DISPOSITION	reversed
PROCEDURAL POSTURE	Appeal from a probation-revocation order, following transfer from the Indiana Court of Appeals.
STANDARD OF REVIEW	Probation revocation is reviewed for abuse of discretion; whether notice satisfied due process is reviewed de novo.
PRECEDENTIAL VALUE	Published precedential Indiana Supreme Court opinion
PARTIES	Lamenski Ewing v. State of Indiana

TOPICS

- probation
- due process
- procedural due process
- appellate procedure
- criminal procedure

PRACTICE AREAS

- criminal procedure
- constitutional law
- appellate procedure

QUESTIONS PRESENTED

1. Whether the trial court had authority to revoke Ewing's probation when the only revocation petition sought revocation of work release.
2. Whether due process permitted the State to seek probation revocation without written notice that probation or the suspended portion of the sentence would be revoked.

HOLDINGS

1. Due process precludes the State from seeking a sanction that deviates from the sanction identified in the revocation petition or petitions considered at the final revocation hearing, unless the defendant received actual notice that the State or court was seeking the additional sanction.
2. Ewing did not receive adequate notice that the State sought to revoke his probation because the work-release petition mentioned neither probation nor the suspended portion of his sentence, and no later hearing adequately informed him that probation revocation was being considered.

KEY QUOTATIONS

“Consistent with these cases, we hold the State cannot seek sanctions beyond those identified in a revocation petition unless the defendant has actual notice that the State is seeking those sanctions.” (9)

“But because here the only revocation petition sought to revoke only work release, we hold that the trial court erred by revoking Ewing’s probation too.” (13)

FACTUAL BACKGROUND

Ewing's sentence placed him first in work release and then in probation. He failed to return to the work-release facility and remained absent for approximately seven months before being arrested and charged with failure to return to lawful detention. The petition filed by the community-corrections case manager sought revocation of work release only and did not mention probation or the suspended portion of Ewing's sentence. After Ewing admitted the work-release violation, the prosecutor orally sought revocation of probation, which the trial court granted.

PROCEDURAL HISTORY

Ewing pleaded guilty to criminal confinement and interfering with reporting a crime and received an aggregate five-year sentence consisting of time already served and work release followed by three years of probation. After Ewing failed to return to work release, a community-corrections case manager petitioned to revoke work release but did not mention probation. At the revocation hearing, the State orally sought probation revocation, and the trial court ordered the remainder of the sentence executed. The Indiana Court of Appeals affirmed, and the Indiana Supreme Court granted transfer and vacated the Court of Appeals opinion.

DISPOSITION

reversed

REMAND INSTRUCTIONS

The revocation of Ewing's probation is reversed. No additional remand instruction is stated.

CASES CITED

- Ewing v. State, 252 N.E.3d 449 (Ind. Ct. App. 2025)
- Woods v. State, 892 N.E.2d 637, 639 (Ind. 2008)
- Mitchell v. 10th & The Bypass, LLC, 3 N.E.3d 967, 970 (Ind. 2014)
- Russell v. State, 234 N.E.3d 829, 857 (Ind. 2024)
- Cox v. State, 706 N.E.2d 547, 549 (Ind. 1999)
- Reyes v. State, 868 N.E.2d 438, 440 (Ind. 2007)
- Rotert v. Stiles, 174 N.E.3d 1067, 1070 (Ind. 2021)
- Puckett v. State, 956 N.E.2d 1182, 1186 (Ind. Ct. App. 2011)
- Bovie v. State, 760 N.E.2d 1195, 1199 (Ind. Ct. App. 2002)
- Long v. State, 717 N.E.2d 1238, 1240 (Ind. Ct. App. 1999)
- Hubbard v. State, 683 N.E.2d 618, 622 (Ind. Ct. App. 1997)
- Parker v. State, 676 N.E.2d 1083, 1085 (Ind. Ct. App. 1997)
- State v. Home Brewing Co. of Indianapolis, 105 N.E. 909, 916 (Ind. 1914)
- Braxton v. State, 651 N.E.2d 268, 269-270 (Ind. 1995)
- McCauley v. State, 22 N.E.3d 743, 748 (Ind. Ct. App. 2014)
- Wright v. State, No. 24A-CR-1, at *3 (Ind. Ct. App. June 11, 2024) (mem.)
- Christie v. State, 939 N.E.2d 691, 694 (Ind. Ct. App. 2011)
- Patterson v. State, 750 N.E.2d 879, 885 (Ind. Ct. App. 2001)
- Luke v. State, 51 N.E.3d 401, 421 (Ind. Ct. App. 2016), trans. denied
- United States v. Davila, 573 F.2d 986, 987-988 (7th Cir. 1978)

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