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IN THE
COURT OF APPEALS OF INDIANA

ANTHONY A. COFFEY,	)	
	)	
Appellant-Defendant,	)	
	)	
vs.	)	No. 27A02-1006-CR-753
	)	
STATE OF INDIANA,	)	
	)	
Appellee-Plaintiff.	)	

APPEAL FROM THE GRANT SUPERIOR COURT
The Honorable Jeffrey D. Todd, Judge
Cause No. 27D01-0604-FD-80

February 11, 2011

MEMORANDUM DECISION - NOT FOR PUBLICATION

NAJAM, Judge

STATEMENT OF THE CASE

Anthony A. Coffey appeals the trial court's revocation of his probation. Coffey raises two issues for our review, which we consolidate and restate as the following issue: whether the trial court abused its discretion when it revoked Coffey's probation.

We affirm.

FACTS AND PROCEDURAL HISTORY

On June 16, 2008, Coffey pleaded guilty to nonsupport of a dependent child, as a Class D felony. The trial court sentenced him to three years, all but sixty days of which was suspended to probation. Coffey signed a condition of probation document, which stated that he agreed to pay $150 per week in child support and that he was required to regularly report to a probation officer.

On May 5, 2009, the State filed a petition to revoke Coffey's probation, alleging that he had failed to pay the proper amount of child support. On June 10, 2010, the State amended its petition to include an allegation that Coffey had failed to report to a probation officer.

The trial court held an evidentiary hearing on the State's allegations on June 14. At that hearing, the State called Jorge Berry, a probation officer from Grant County, as a witness. Berry testified that the State had authorized Coffey to serve his probation in Spokane, Washington. However, Berry stated that, "[a]ccording to the State of Washington, he . . . never [did] report" to probation authorities. Transcript at 6. Berry also testified that, although Coffey was obliged to pay $600 per month in child support, in January of 2009 Coffey paid $500 and between February and April of 2009 he only

paid $50 per month. According to Berry, in April of 2009 Coffey stated that, while he had been unemployed, "he had jobs lined up, and he would be able to start . . . making payments thereafter." Id. at 12.

Coffey testified in his own defense. According to him, the Grant County probation department informed him that it would tell him to whom he should report in Spokane but that never happened. Nonetheless, Coffey stated that he did contact the Spokane probation department, and it told him that "the paperwork still hadn't showed [sic] up, and they told me don't even show up again until we [get] the paperwork." Id. at 18-19. In light of the technical difficulty, Coffey continued, he "took [it] upon [him]self" to contact Officer Berry once a month. Id. at 19-20. Coffey also testified that, while his child support payments were deficient, the job market had "dried up" and he was "paying what [he] could at that time." Id. at 21-22.

Following the hearing, the trial court found Coffey in violation of the terms of his probation. Specifically, the court stated that Coffey failed to report as ordered and failed to pay support "despite having the capability to do so." Appellant's App. at 29. As such, the court revoked his probation and ordered him to serve the balance of his sentence. This appeal ensued.

DISCUSSION AND DECISION

Coffey appeals the revocation of his probation. As we have explained:

> A probation revocation proceeding is in the nature of a civil proceeding, and, therefore, the alleged violation need be proved only by a preponderance of the evidence. J.J.C. v. State, 792 N.E.2d 85, 88 (Ind. Ct. App. 2003). Violation of a single condition of probation is sufficient to revoke probation. Id. As with other sufficiency issues, we do not reweigh the evidence or judge the credibility of witnesses. Id. We look only to the

> evidence which supports the judgment and any reasonable inferences flowing therefrom. Id. If there is substantial evidence of probative value to support the trial court's decision that the probationer committed any violation, revocation of probation is appropriate. Id.

Richardson v. State, 890 N.E.2d 766, 768 (Ind. Ct. App. 2008).

Here, the State alleged, and the trial court found, that Coffey had twice violated the terms of his probation: once for failing to report and once for failing to pay the required amount of child support. Coffey challenges both of those findings on appeal. However, because the "[v]iolation of a single condition of probation is sufficient to revoke," id., we need consider only whether the State sufficiently demonstrated either of its allegations to affirm the trial court's order. We hold that the State sufficiently demonstrated that Coffey failed to report. As such, we need not consider whether the State sufficiently demonstrated that Coffey failed to pay support.

As stated above, at the evidentiary hearing on the State's petition to revoke Coffey's probation, Probation Officer Berry testified that Coffey never reported to officers in the State of Washington, as he was required to do. In response, Coffey testified that he made good faith attempts to report to both Washington and Indiana officers. The trial court plainly did not believe Coffey's testimony, and his argument on appeal is a request for this court to credit his testimony above Officer Berry's. We will not do so. See id. Thus, the State presented sufficient evidence to support the revocation of Coffey's probation, and we affirm the judgment of the court.

Affirmed.

DARDEN, J., and BAILEY, J., concur.