



Michael Thompson appeals from the trial court's order revoking his probation. Thompson presents one issue for our review: is the evidence sufficient to support the trial court's revocation of probation?

We affirm.

Pursuant to a plea agreement, Thompson pleaded guilty to class D felony attempted theft on March 31, 2010. That same day, the trial court sentenced Thompson to 545 days, with 180 days to be served through community corrections on home detention and 365 days to be suspended to probation. Just prior to completing the executed portion of the sentence on home detention, the State filed a notice of probation violation alleging that Thompson had been arrested on a new charge of operating a vehicle while his license was forfeited for life. The court held an evidentiary hearing on July 9, 2010.

During that hearing, Thompson testified that on the morning of June 9, 2010, he rode the bus to his automotive shop on South Meridian Street in Indianapolis. Thompson informed the court that when he arrived at his store, a police officer told him that he needed to move his truck that was parked near the shop or it would be towed. Thompson used the truck to store business inventory for his customers. Thompson maintained that he tried to contact several people to move the truck for him and only after he could not find anyone to assist him did he then drive the vehicle so as to prevent it from being towed. Thompson explained that he could not park his truck in front of his store because it was a no-parking zone during certain hours of the day and that he could not use the bays inside his business because they were full with customers' cars. At no point did Thompson advise the police officer that he could not drive his truck because he did not have a driver's license.

On his way to a friend's house, Thompson was pulled over for failing to signal a lane change. The officer who conducted the traffic stop testified that Thompson was cooperative and that he immediately informed her that he did not have a license. The officer confirmed that Thompson was, in fact, a habitual traffic violator. After considering the evidence, the court indicated that it did not find Thompson to be credible, stating, "Quite honestly, there were numerous options that he had, including putting it on his own property. And I just - - I don't buy it. I don't buy that he couldn't have put it some place [sic] else." *Transcript* at 29. The trial court revoked Thompson's probation and ordered him to serve 180 days of his previously suspended sentence.

Thompson challenges the trial court's revocation of his probation. Probation is a matter of grace and a conditional liberty that is a favor, not a right. *Cooper v. State*, 917 N.E.2d 667 (Ind. 2009). The trial court determines the conditions of probation and may revoke upon determining that those conditions were violated. *Id.* The decision to revoke probation is committed to the trial court's sound discretion. *Id.* We review its decision on appeal for abuse of that discretion. *Id.* When conducting our review, we consider only the evidence most favorable to the judgment and do not reweigh the evidence or judge the credibility of the witnesses. *Woods v. State*, 892 N.E.2d 637 (Ind. 2008). If there is substantial evidence of probative value supporting the determination that a defendant has violated any terms of probation, we will affirm the decision to revoke. *Id.*

Thompson does not dispute that he operated a vehicle when he did not have a valid driver's license. Thompson nevertheless argues that the trial court improperly revoked his probation because he drove his truck only because he was ordered by police to move his

truck, and thus, he was justified in driving on the day in question. At no point did Thompson inform the police that he was unable to move his truck because he did not have a driver's license. The trial court clearly rejected Thompson's reasons for driving his truck, noting that Thompson had other options that would not have involved the act of driving upon the roadway. We will not second-guess the trial court's assessment of the evidence and Thompson's credibility. The record establishes that Thompson was arrested for a new charge of operating a vehicle while his license was forfeited for life and that such constituted a violation of his probation.

Judgment affirmed.

MAY, J., and MATHIAS, J., concur.