

Appellant-defendant Shaun M. Locke appeals the trial court's order revoking probation and directing that the originally-suspended three-year term be executed following multiple violations of probation. Finding no error, we affirm.

FACTS

On January 29, 2004, Locke pleaded guilty to class C felony battery resulting in serious bodily injury. He was sentenced to five years with two years executed, to be served on home detention with electronic monitoring, and the balance suspended to probation.

On May 12, 2004, the State filed a first notice of probation violation, alleging that Locke had failed to comply with Community Corrections. On June 16, 2004, the State filed a second notice of probation violation, alleging that Locke had been charged with class D felony theft. On October 29, 2004, Locke admitted all allegations and the trial court modified its sentencing order by directing that one of the two executed years of his sentence be served in the Department of Correction, with the second being served on Community Corrections work release.

On October 31, 2005, the State filed a third notice of probation violation, alleging that Locke had been charged with class D felony failure to return to lawful detention. On November 4, 2005, Community Corrections filed a notice of non-compliance because Locke had absconded from his work release commitment. Locke admitted to all allegations, and the trial court ordered that the full two-year executed term be served in the Department of Correction, with three years still suspended to probation.

On December 5, 2008, the State filed a fourth notice of probation violation, alleging that Locke had been charged with class A misdemeanor operating a vehicle while intoxicated. Locke eventually admitted that he had violated his probation. On June 23, 2009, the trial court revoked Locke's probation and ordered him to serve the full five-year term in the Department of Correction, with credit for time served. Locke now appeals.

DISCUSSION AND DECISION

Our Supreme Court has cautioned that “[p]robation is a matter of grace left to trial court discretion, not a right to which a criminal defendant is entitled.” Prewitt v. State, 878 N.E.2d 184, 188 (Ind. 2007). The trial court decides the conditions of probation and may revoke probation if the conditions are violated. Id. If the trial court finds that a defendant has violated a condition of probation, it may “[o]rder execution of all or part of the sentence that was suspended at the time of initial sentencing.” Ind. Code § 35-38-2-3(g).

Here, Locke was given multiple chances. His probation survived the first three violations (some of which consisted of multiple acts that violated multiple conditions of probation). Notwithstanding the trial court's leniency, however, Locke continued to commit criminal acts and ignore the rules of Community Corrections. Locke's multiple probation violations provide ample justification for the trial court's decision to revoke his probation and order the balance of his sentence executed. In support of his appeal, he directs our attention to evidence in the record regarding his girlfriend and their child and his alleged rehabilitation during his most recent incarceration. This, however, amounts to

a request that we reweigh the evidence—a request we decline. Locke has disregarded every opportunity given to him by the criminal justice system, and the trial court acted well within its discretion to order that Locke serve a full five-year executed term.

The judgment of the trial court is affirmed.

BAILEY, J., and ROBB, J., concur.