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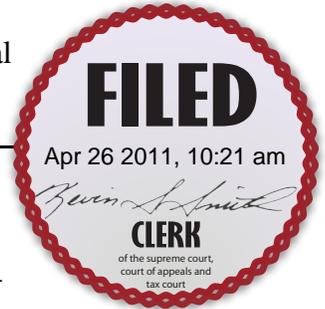
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**IN THE
COURT OF APPEALS OF INDIANA**

ANDREW PETERS,)
)
Appellant-Defendant,)
)
vs.)
)
STATE OF INDIANA,)
)
Appellee-Plaintiff.)

No. 15A01-1011-CR-621

APPEAL FROM THE DEARBORN SUPERIOR COURT
The Honorable James D. Humphrey, Special Judge
Cause No. 15D01-0201-FC-3

April 26, 2011

MEMORANDUM DECISION - NOT FOR PUBLICATION

KIRSCH, Judge

Andrew Peters (“Peters”) appeals from the trial court’s order revoking his probation and imposing the remainder of his previously suspended sentence after Peters admitted that he had violated the conditions of probation for a fourth time. Peters raises the following issue for our review: whether the trial court abused its discretion in revoking his probation and ordering him to serve the remainder of his previously suspended sentence.

We affirm.

FACTS AND PROCEDURAL HISTORY

On February 21, 2003, Peters pleaded guilty to Class C felony burglary¹ and Class D felony theft.² The trial court sentenced Peters to a term of eight years with five years suspended for the burglary conviction and to a consecutive three-year suspended sentence for the theft conviction. Peters violated his probation three times and had a total of four hundred seventy days revoked. On October 29, 2009, Peters violated his probation for a fourth time by committing Class A misdemeanor domestic battery.³ After the State filed charges against him for this offense, Peters admitted that he had violated his probation yet again and that the allegations were true. The trial court then revoked the remainder of Peters’s suspended sentence. Peters now appeals.

DISCUSSION AND DECISION

Peters claims that the trial court abused its discretion by revoking his probation and

¹ See Ind. Code § 35-43-2-1.

² See Ind. Code § 35-43-4-2.

³ See Ind. Code § 35-42-2-1.3(a).

imposing the remainder of his previously suspended sentence when he admitted, *pro se*, that he had violated the terms of his probation for a fourth time. A trial court's sentencing decisions for probation violations are reviewable under the abuse of discretion standard. *Prewitt v. State*, 878 N.E.2d 184, 187 (Ind. 2007). Violation of a single condition of probation is sufficient to revoke probation. *J.J.C. v. State*, 792 N.E.2d 85, 88 (Ind. Ct. App. 2003). We do not reweigh the evidence or judge the credibility of witnesses. *Id.* We look only to the evidence that 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 violated his probation, revocation is appropriate. *Id.* A defendant is not entitled to serve a sentence in a probation program, as that placement is a matter of grace and a conditional liberty that is a favor and not a right. *Jones v. State*, 838 N.E.2d 1146, 1148 (Ind. Ct. App. 2005). If the trial court finds that a defendant has violated his probation, the trial court may order the execution of all or part of the sentence that was suspended at the time of the initial sentencing. Ind. Code § 35-38-2-3(g)(3).

Here, Peters had five probation violations filed against him, and this appeal stems from his fourth violation. The trial court afforded Peters three opportunities to continue on probation and revoked only a small portion of his original sentence on each of those prior occasions. Peters has failed to establish that the trial court abused its discretion by imposing the sentence at issue here.

Affirmed.

MATHIAS, J., and VAIDIK, J., concur.