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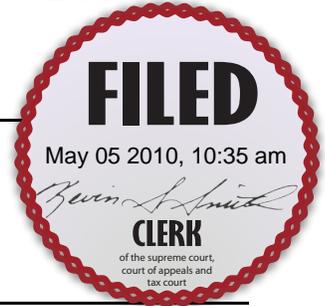
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**IN THE
COURT OF APPEALS OF INDIANA**

DANTE HILL,¹)
)
Appellant-Defendant,)
)
vs.)
)
STATE OF INDIANA,)
)
Appellee-Plaintiff.)

No. 15A01-0910-CR-499

APPEAL FROM THE DEARBORN CIRCUIT COURT
The Honorable James D. Humphrey, Judge
Cause No. 15C01-0505-FB-15

May 5, 2010

MEMORANDUM DECISION - NOT FOR PUBLICATION

CRONE, Judge

¹ We note that the appellant is referred to as “Donta” Hill in much of the transcript of proceedings. However, because both parties and the trial court refer to the appellant as “Dante,” we will follow suit.

Dante Hill appeals the trial court's revocation of his probation. The sole issue presented for our review is whether the trial court abused its discretion when it revoked Hill's probation and ordered Hill to serve eighteen months of his suspended sentence. We affirm.

On August 7, 2006, Hill pleaded guilty to possession of marijuana with a prior offense, as a class D felony. The trial court sentenced Hill to three years of imprisonment with two years and two hundred eighty-seven days suspended to probation. Thereafter, on July 29, 2009, the State filed its petition to revoke Hill's probation after Hill was charged with a new offense, possession of cocaine, in Ohio. The State also alleged that Hill had failed to pay his probation fees. A revocation hearing was held on September 3, 2009. During the hearing, Hill admitted to the probation violations. The trial court revoked Hill's probation and sentenced him to serve eighteen months of his suspended sentence.

Here, Hill does not contend that the trial court abused its discretion when it revoked his probation based upon his admitted violations. Instead, Hill argues that the trial court abused its discretion when it ordered that he serve eighteen months of his previously suspended sentence. We review a trial court's sentencing decision upon revocation of a defendant's probation for an abuse of discretion. *Prewitt v. State*, 878 N.E.2d 184, 188 (Ind. 2007). An abuse of discretion occurs where the decision is clearly against the logic and effect of the facts and circumstances before the trial court. *Id.* When revoking probation, the trial court may: (1) continue the person on probation, with or without modifying or enlarging the conditions; (2) extend the person's probationary period for not more than one year

beyond the original probationary period; and/or (3) order execution of all or part of the sentence that was suspended at the time of initial sentencing. Ind. Code § 35-38-2-3(g).

Acknowledging that he has a heavy burden, Hill argues that execution of a smaller portion of his suspended sentence would have been a more appropriate sanction in the instant case. However, Hill has a substantial criminal history, and we cannot say that the trial court's decision to order execution of eighteen months of Hill's previously suspended sentence following his admitted violations constitutes an abuse of discretion. Indeed, as noted above, the trial court could have revoked the entirety of the suspended sentence and ordered Hill to execute the balance of the sentence that was suspended at the time of his initial sentencing. *See id.* The trial court did not abuse its discretion.

Affirmed.

BAKER, C.J., and DARDEN, J., concur.