



## **STATEMENT OF THE CASE**

Michelle D. Breedlove appeals the trial court's revocation of her probation. Breedlove raises a single issue for our review, namely, whether the trial court abused its discretion when it revoked her suspended sentence. We affirm.

## **FACTS AND PROCEDURAL HISTORY**

On July 19, 2006, Breedlove pleaded guilty to possession of methamphetamine, as a Class C felony, and possession of precursors, as a Class D felony. Pursuant to her plea agreement, Breedlove was to serve an aggregate term of four years executed with six years suspended. The trial court accepted Breedlove's plea agreement on August 11, 2006.

The State released Breedlove to probation on October 18, 2007. In April of 2010, Breedlove used marijuana and methamphetamine. On May 10, 2010, the State filed a notice of probation violation based on those events. In July, Breedlove failed a drug screen due to the presence of amphetamine, methamphetamine, and marijuana, and the State amended its notice of violation accordingly.

The court held a hearing on the State's allegations. At that hearing, Breedlove admitted that she had used amphetamine, methamphetamine, and marijuana in violation of the terms of her probation. She then argued that her sanction should be mitigated by the fact that she had been employed for almost three years, she had never missed a meeting with her probation officer, and she had not violated the terms of her probation previously. The trial court ordered Breedlove to serve the balance of her suspended sentence. This appeal ensued.

## DISCUSSION AND DECISION

Breedlove appeals the revocation of her probation. As our Supreme Court has explained:

Probation is a matter of grace left to trial court discretion, not a right to which a criminal defendant is entitled. The trial court determines the conditions of probation and may revoke probation if the conditions are violated. Once a trial court has exercised its grace by ordering probation rather than incarceration, the judge should have considerable leeway in deciding how to proceed. If this discretion were not afforded to trial courts and sentences were scrutinized too severely on appeal, trial judges might be less inclined to order probation to future defendants. Accordingly, a trial court's sentencing decisions for probation violations are reviewable using the abuse of discretion standard. An abuse of discretion occurs where the decision is clearly against the logic and effect of the facts and circumstances.

Prewitt v. State, 878 N.E.2d 184, 188 (Ind. 2007) (citations omitted).

Here, the State alleged, and Breedlove admitted, that she had used three different illicit substances on multiple occasions in the spring and summer of 2010, in violation of the conditions of her probation. Breedlove's entire argument on appeal that the imposition of her suspended sentence is an abuse of discretion is as follows: "the trial court should have considered presented factors such as the nearly three (3) years of probation without a notice/petition filing, granted some drug abuse issues may have existed during this time. Further, factors such as never missing a meeting and being employed for almost three (3) years [sic]." Appellant's Br. at 7. Insofar as that argument is cogent, it is merely a request for this court to reweigh the evidence, which we will not do.

Again, probation is a matter of grace, and a trial court's decision to revoke probation is reviewed for an abuse of discretion. See Prewitt, 878 N.E.2d at 188. The

trial court's determination was supported by substantial evidence. The trial court did not abuse its discretion when it revoked Breedlove's probation and ordered her to serve the previously suspended portion of her sentence.

Affirmed.

ROBB, C.J., and CRONE, J., concur.