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IN THE
COURT OF APPEALS OF INDIANA

PURNELL L. MOORE,	)	
	)	
Appellant-Defendant,	)	
	)	
vs.	)	No. 84A01-1011-CR-593
	)	
STATE OF INDIANA,	)	
	)	
Appellee-Plaintiff.	)	

APPEAL FROM THE VIGO SUPERIOR COURT
The Honorable David R. Bolk, Judge
Cause No. 84D03-0609-FB-2941

June 14, 2011

MEMORANDUM DECISION – NOT FOR PUBLICATION

BAKER, Judge

Appellant-defendant Purnell Moore appeals the trial court's order directing him to serve the remaining four years of his suspended sentence following the revocation of his probation. Specifically, Moore argues that the trial court erred in ordering him to serve the entire term of the suspended sentence because his probation violation caused no physical harm or pecuniary loss. Finding no error, we affirm the judgment of the trial court.

FACTS

In October 2007, Moore pleaded guilty to two counts of dealing in cocaine as class B felonies. The trial court sentenced Moore to ten years on each count with the sentences to run concurrently. The court also suspended four years of the sentence. In September 2009, Moore completed the executed portion of his sentence and was placed on probation. The terms and conditions of his probation included random urine drug screens and successful completion of a drug and alcohol treatment program.

In July 2010, Moore admitted to violating his probation when his urine tested positive for amphetamines and/or marijuana on April 1 and 15, 2010; May 13, 2010; and June 25, 2010. Moore also failed to comply with the county alcohol and drug rehabilitation program. The trial court accepted Moore's admission and released him on his own recognizance, hoping he would participate in and complete a substance abuse program.

On October 1, 2010, the probation department filed a petition to revoke Moore's release on his own recognizance after Moore's urine again tested positive for

amphetamines and/or marijuana on July 27, 2010; August 2, 5, 9, 12, 16, 19, 23, 26; September 2, 7, 9, 13, 16, 20, 23, 27, 30 2010, and October 5, 2010. Further, Moore still refused to comply with the county substance abuse treatment program.

On October 14, 2010, the trial court revoked Moore's probation and ordered him to serve the remaining four years of his suspended sentence. Moore appeals.

DISCUSSION AND DECISION

We review a trial court's sentence following a probation revocation for an abuse of discretion. Sanders v. State, 825 N.E.2d 952, 957 (Ind. Ct. App. 2005). If the trial court finds that a probationer has violated a condition of probation, the court may 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)(3).

Here, our review of the evidence reveals that the first time Moore violated his probation when his urine tested positive for amphetamines and/or marijuana in April, May, and June 2010, and he failed to attend the county drug and alcohol treatment program, the trial court simply released Moore on his own recognizance. Following his July 2010 court appearance, Moore tested positive for methamphetamine and/or marijuana in all nineteen of the urine drug screens he took until October 2010. Moore also still refused to attend the drug and alcohol treatment program.

Based upon the foregoing, the trial court did not err in ordering Moore to serve the entire term of his suspended sentence. See Rosa v. State, 832 N.E.2d 1119, 1121 (Ind. Ct. App. 2005) (holding that when the trial court finds that the defendant has violated

probation, it may order the defendant to serve any part of the sentence that was suspended). Therefore, we affirm the decision of the trial court.

The judgment of the trial court is affirmed.

MAY, J., and BRADFORD, J., concur.