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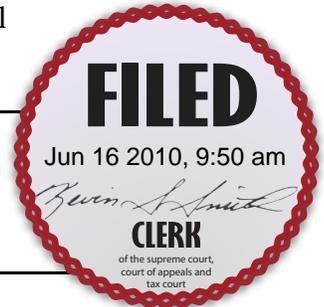
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**IN THE
COURT OF APPEALS OF INDIANA**



RICKEY D. GOSHA,)
)
Appellant-Defendant,)
)
vs.) No. 48A02-0910-CR-1006
)
STATE OF INDIANA,)
)
Appellee-Plaintiff.)

APPEAL FROM THE MADISON SUPERIOR COURT
The Honorable David A. Happe, Judge
Cause No. 48E01-0802-FD-34

June 16, 2010

MEMORANDUM DECISION - NOT FOR PUBLICATION

MAY, Judge

Rickey Gosha's probation was revoked and he was ordered to serve the remainder of his sentence. He challenges the sufficiency of the evidence to support the revocation.

We affirm.

FACTS AND PROCEDURAL HISTORY

On June 3, 2009, Gosha agreed to plead guilty to carrying a handgun without a license and was sentenced to 365 days of incarceration, with 361 days suspended. On July 11, 2009, Gosha was present near a traffic stop conducted by Officers Williams and Naselroad. Although Gosha was not involved in the traffic stop, he began speaking and rapping in a derogatory manner about the officers, which drew a crowd. The officers asked him to stop, but he refused. When Officer Williams attempted to detain Gosha, he resisted. The officer subdued Gosha and arrested him for disorderly conduct, resisting law enforcement, and a curfew violation. At a hearing on October 2, 2009, Gosha was found to have violated his probation and was ordered to serve the rest of his sentence incarcerated.

DISCUSSION AND DECISION

When reviewing whether the evidence was sufficient to revoke probation, we do not reweigh evidence or judge the credibility of witnesses. *Morgan v. State*, 691 N.E. 2d 466, 468 (Ind. Ct. App. 1998). If there is substantial evidence of probative value to support the conclusion the defendant has violated a term of probation, we will affirm. *Meniffee v. State*, 600 N.E. 2d 967, 970 (Ind. Ct. App. 1992), *clarified on denial of reh'g on other grounds*, 605 N.E.2d 1207 (Ind. Ct. App. 1993).

The State alleged Gosha violated his probation by committing new criminal offenses,

namely resisting law enforcement and disorderly conduct; by not reporting his arrest to the Probation Department within 48 hours; and by violating the curfew ordered as a term of his probation.

During the hearing, the following exchange took place regarding Gosha's presence at an address that was not listed as his residence with the Probation Department:

“Q: So you weren't where you were suppose [sic] to be that night, were you?”

A: Basically, nope.”

(Tr. at 67.)

We will uphold a probation revocation if there is substantial evidence to support the conclusion that a probationer violated any term of the probation. *Cox v. State*, 706 N.E.2d 547, 551 (Ind. 1999). As Gosha admitted to being present in a place other than the residence listed with the Probation Department after 12:00 a.m., a curfew violation of his probation, the evidence is sufficient to support the revocation of his probation.

Affirmed.

BAILEY, J., and BARNES, J., concur.