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IN THE
COURT OF APPEALS OF INDIANA

TIERRE J. CARPENTER,	)	
	)	
Appellant-Defendant,	)	
	)	
vs.	)	No. 02A05-0903-CR-133
	)	
STATE OF INDIANA,	)	
	)	
Appellee-Plaintiff.	)	

APPEAL FROM THE ALLEN SUPERIOR COURT
The Honorable Robert J. Schmoll, Jr., Judge
Cause No. 02D04-0708-FD-681

June 25, 2009

MEMORANDUM DECISION - NOT FOR PUBLICATION

BROWN, Judge

Tierre Carpenter appeals the trial court's revocation of his probation. He raises one issue, which we restate as whether the evidence is sufficient to support the revocation of his probation. We affirm.

The facts most favorable to the probation revocation follow. On August 15, 2007, Carpenter was charged with theft as a class D felony and receiving stolen property as a class D felony. On February 14, 2008, Carpenter pled guilty to theft as a class D felony. The trial court sentenced Carpenter to two years in the Indiana Department of Correction, suspended the entire sentence to probation, and ordered that he pay $47,500 in restitution.

In October of 2008 the Ohio Police Department[1] executed a search of Carpenter's college dorm room at Bowling Green State University and located a stolen debit card. Upon learning of the search, Officer Dan Van Vorhis, Carpenter's Ohio probation officer, questioned Carpenter and took him into custody. The next day, Officer Van Vorhis searched Carpenter's car and discovered, among other items, a watch belonging to Doug Dewar and a GPS device belonging to Diane Keilmeyer. The owners of the debit card, watch, and GPS each indicated that those items had been stolen. Further, Carpenter later signed an admission that he was in possession of stolen property.

On October 28, 2008, Tracy Dolsen, Carpenter's Indiana probation officer, filed a petition to revoke his probation. The petition alleged:

[1] Supervision of Carpenter's probation was transferred to Ohio because he was a student at Bowling Green State University.

> While on probation, [Carpenter] violated the rules and conditions of that probationary order as follows, . . .
>
> 1. Did not maintain good behavior. On or about the 26th day of September, 2008 . . . [Carpenter] did possess and have under his control, a Debit card belonging to Pamela Mensch, without the owner[']s consent.
>
> 2. Did not maintain good behavior. On or about the 10th day of October, 2008 . . . [Carpenter] did possess and have under his control, a Tom Tom GPS belonging to Diane Keilmeyer without the owner[']s consent.
>
> 3. Did not maintain good behavior. On or about the 10th day of October, 2008, ... [Carpenter] did possess and have under his control, a Citizen watch belonging to Doug Dewar without the owner[']s consent.
>
> 4. Did not pay fees or restitution in a timely manner. [Carpenter's] outstanding monetary obligations are $47,400.00, as of this filing date.

Appellant's Appendix at 44-45.

At the revocation hearing, Carpenter disavowed knowledge of the stolen debit card which was found in a duffel bag which he claimed belonged to his cousin. He acknowledged that he had possession of the stolen watch and GPS, but testified that he did not know that these items had been stolen. He asserted that he purchased the GPS from a person from school for thirty dollars and the watch outside a tattoo shop for fifteen dollars. The trial court found that Carpenter had violated the conditions of his probation because: (1) he did not maintain good behavior by possessing a stolen debit card; (2) he did not maintain good behavior by possessing a stolen GPS and a stolen watch; and (3) he failed to abide by the payment agreement regarding restitution. Accordingly, the trial court revoked Carpenter's probation and remanded him to the Department of Correction to serve the remainder of his sentence.

The sole issue is whether the evidence is sufficient to support the revocation of Carpenter's probation. Probation revocation is governed by Ind. Code § 35-38-2-3. A probation revocation hearing is civil in nature, and the State need only prove the alleged violations by a preponderance of the evidence. Cox v. State, 706 N.E.2d 547, 551 (Ind. 1999), reh'g denied. We will consider all the evidence most favorable to supporting the judgment of the trial court without reweighing that evidence or judging the credibility of witnesses. Id. If there is substantial evidence of probative value to support the trial court's conclusion that a defendant has violated any terms of probation, we will affirm its decision to revoke probation. Id. The violation of a single condition of probation is enough to revoke probation. Wilson v. State, 708 N.E.2d 32, 34 (Ind. Ct. App. 1999).

Carpenter argues that the evidence was insufficient to support the revocation of his probation because the evidence did not establish that he possessed the stolen items with knowledge that the owners did not consent to his possession. He further argues that the trial court should not have based its decision on his failure to pay $47,500 in restitution, asserting that, as a college student, he does not have the ability to pay that amount.

Carpenter asks us to find that the evidence is insufficient to support the revocation of his probation on the basis of his possession of the stolen watch and GPS because he testified that he did not know that those items were stolen. He argues that because he testified that he did not know that the watch and GPS were stolen, the trial court could not have found that he failed to maintain good behavior.

The record reveals that Carpenter was in possession of a stolen watch and GPS and that he never disputed that those items were stolen. He stated that he purchased the watch for fifteen dollars outside a tattoo shop and the GPS for thirty dollars from a person at school. After hearing this evidence, the trial court concluded, "the State has proved well beyond a preponderance of the evidence that he committed the offenses charged." Transcript at 37. Carpenter essentially asks us to reweigh the evidence and judge his credibility, which we cannot do. See Cox, 706 N.E.2d at 551.

We conclude that the State presented substantial evidence of probative value to support the trial court's conclusion that Carpenter violated his probation by not maintaining good behavior by possessing a stolen GPS and watch. See, e.g., Whatley, 847 N.E.2d 1007, 1010 (Ind. Ct. App. 2006) (refusing to reweigh the evidence, although the defendant offered contrary evidence to that submitted in support of revocation, and affirming the trial court's decision to revoke the defendant's probation). Because the violation of a single condition of probation is sufficient to revoke probation, we conclude that the trial court properly revoked Carpenter's probation.[2] See Wilson, 708 N.E.2d at 34 (holding that the violation of single condition of probation is sufficient to sustain a trial court's decision revoking probation).

For the foregoing reasons, we affirm the trial court's revocation of Carpenter's probation.

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[2] Because we conclude that the evidence was sufficient to support the trial court's decision to revoke Carpenter's probation based on the fact that he was in possession of the stolen watch and GPS, we do not address the other bases for revocation.

Affirmed.

CRONE, J. and BRADFORD, J. concur.