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IN THE
COURT OF APPEALS OF INDIANA

RYAN CHRISTIAN,	)	
	)	
Appellant-Defendant,	)	
	)	
vs.	)	No. 84A01-0812-CR-574
	)	
STATE OF INDIANA,	)	
	)	
Appellee-Plaintiff.	)	

APPEAL FROM THE VIGO SUPERIOR COURT
The Honorable David R. Bolk, Judge
Cause No. 84D03-0612-FB-3841

July 9, 2009

MEMORANDUM DECISION - NOT FOR PUBLICATION

BARNES, Judge

Case Summary

Ryan Christian appeals the trial court's revocation of his probation. We affirm.

Issue

Christian raises two issues, which we consolidate and restate as whether the trial court abused its discretion in revoking Christian's probation and ordering him to serve eighteen months of his suspended sentence.

Facts

On August 20, 2007, Christian pled guilty to class C felony burglary. Christian's plea agreement provided for a four-year sentencing term with two years executed and two years suspended to probation. Christian's probation began on January 30, 2008. According to the rules and conditions of probation, Christian was to perform one hundred hours of community service and provide notification of any change in his residence to the probation department within forty-eight hours.

In early February 2008, Christian's probation was transferred to Marion County. He notified his Vigo County probation officer that he was living at the Good News Mission in Marion County. However, Christian failed to notify his Vigo County probation officer that he had been expelled from the Good News Mission. As a result, the Marion County probation office was unable to confirm Christian's residence, and on February 27, 2008, his Vigo County probation officer filed a Notice of Probation Violation. During a hearing on May 5, 2008, Christian was notified of his violations;

however, in light of an extension Christian received to complete his required community service hours by September 25, 2008, the court continued the hearing to September 29, 2008, again ordering Christian to comply with the conditions of his probation. Despite the extension, Christian once again failed to comply with the conditions of his probation, and on September 30, 2008, his Vigo County probation officer filed an amended notice of probation violation. Christian later returned to Vigo County without prior approval from the Marion County probation office, notifying the Marion County probation office the day he returned and notifying his Vigo County probation officer three days later.

During the probation violation hearing on November 13, 2008, the trial court found that Christian violated the terms of his probation. The trial court revoked Christian's probation and ordered Christian to serve eighteen months of his twenty-four month suspended sentence. Christian now appeals.

Analysis

Christian asserts that the trial court abused its discretion in revoking his probation and ordering him to serve eighteen months of his suspended sentence. We review a trial court's decision to revoke probation for an abuse of discretion. Sanders v. State, 825 N.E.2d 952, 957 (Ind. Ct. App. 2005), trans. denied. "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). "When reviewing the sufficiency of the evidence to support a probation revocation, we neither reweigh the evidence nor reassess the credibility of the witnesses." Packer v. State, 777 N.E.2d 733, 740 (Ind. Ct.

App. 2002). "The violation of a single condition of probation is sufficient to permit a trial court to revoke probation." Rosa v. State, 832 N.E.2d 1119, 1121 (Ind. Ct. App. 2005).

We cannot say the trial court abused its discretion in revoking Christian's probation. Despite having ample opportunity to comply, Christian consistently violated certain conditions of his probation. He failed to provide proper notification of changes in address and failed to complete his community service hours.

Although Christian contends he reported his changes in address, he did so in an untimely manner on two occasions contrary to the forty-eight hour requirement. When his probation was first transferred to Marion County, the Marion County probation office was unable to confirm Christian's address at the Good News Mission because Christian failed to notify his Vigo County probation officer that he no longer lived at the address, only notifying her that he returned to the address weeks after he did so. Months later, Christian returned to Vigo County, coincidentally when the Marion County probation office requested a hearing to revoke his probation, without seeking prior approval from the Marion County probation office and without notifying his Vigo County probation officer until three days after his return.

In addition to failing to comply with the notification requirement, Christian failed to complete his community service requirements. Despite being given an extension to complete his community service hours, Christian failed to report for community service on several occasions. Although Christian was given an additional extension just before

the November probation revocation hearing, the trial court, considering Christian's past failure to comply, found that probation was no longer the answer. It was within the trial court's discretion to accept or reject Christian's excuses for not completing his community service hours, and we will neither reweigh nor reassess the evidentiary and credibility judgments of the trial court. See Packer, 777 N.E.2d at 740. Because Christian violated the conditions of his probation on several occasions despite receiving an extension and warnings to comply, we can hardly say the trial court's decision to revoke Christian's probation was clearly against the logic and effect of the facts and circumstances. See Id.

Christian further contends that the trial court abused its discretion when it ordered Christian to serve eighteen months of his suspended sentence. Our supreme court has held that the standard set forth in Indiana Appellate Rule 7(B) is not the correct standard to apply when reviewing a sentence imposed for a probation violation. Prewitt, 878 N.E.2d at 187-88. Accordingly, we review "a trial court's sentencing decision in a probation revocation proceeding for an abuse of discretion." Sanders, 825 N.E.2d at 957. "If the trial court finds the person violated a condition of probation, it may order execution of any part of the sentence that was suspended. . . ." Rosa, 832 N.E.2d at 1121; Ind. Code § 35-38-2-3(g).

Here, although the trial court could have ordered Christian to serve the entire twenty-four months of his suspended sentence, the trial court gave Christian credit for the community service he had completed and ordered Christian to serve eighteen months of

his suspended sentence rather than the full twenty-four months. Because Christian failed to comply with the terms of his probation several times, we cannot say the trial court abused its discretion in ordering Christian to serve a portion of his suspended sentence.

Conclusion

The trial court did not abuse its discretion in revoking Christian's probation, nor did the trial court abuse its discretion in ordering Christian to serve eighteen months of his suspended sentence. We affirm.

Affirmed.

BAKER, C.J., and MAY, J., concur.