

Christian Behling appeals the revocation of his probation. We affirm.

FACTS AND PROCEDURAL HISTORY

On April 10, 2002, the trial court sentenced Behling to eleven years suspended to probation.¹ As a term of his probation, Behling was required to complete sex offender treatment.

In 2007, Behling entered treatment at Lincoln Therapeutic Partnership (Lincoln) and he was discharged from the program later that year because he did not attend group meetings.

In 2009, Behling sought sex offender treatment at Holy Cross Counseling Group, but did not return after his initial intake interview because he lost his job and was unable to pay for treatment. On April 21, 2009, the State filed a petition to revoke Behling's probation because he had not complied with the treatment requirement of his probation. On January 20, 2010, the petition was dismissed because Behling re-entered treatment at Lincoln.

On May 27, 2010, the State petitioned to revoke Behling's probation after he again was discharged unsatisfactorily from Lincoln for violations of the treatment rules. On October 14, after a hearing, the trial court revoked Behling's probation and ordered him to serve the remainder of his eleven-year sentence incarcerated.

DISCUSSION AND DECISION

“Probation is a matter of grace left to trial court discretion, not a right to which a criminal defendant is entitled.” *Prewitt v. State*, 878 N.E.2d 184, 188 (Ind. 2007). After

¹ Behling was sentenced to three years for Class D felony attempted vicarious sexual gratification, Ind. Code §§ 35-41-5-1 and 35-42-4-5, and eight years for Class C felony child molesting, Ind. Code § 35-42-4-3.

finding a probation violation, the trial court may continue the probation, extend it, or order execution of all or part of the suspended sentence. Ind. Code § 35-38-2-3(g). Trial judges have considerable leeway in determining how to proceed after ordering probation. *Prewitt*, 878 N.E.2d at 188. We review probation revocation decisions under an abuse of discretion standard. *Id.* A decision is an abuse of discretion when it “is clearly against the logic and effect of the facts and circumstances.” *Id.*

Behling argues the trial court abused its discretion when it revoked his probation and ordered him to serve the remainder of his sentence because “he made a good faith effort to complete the terms of the most recent treatment plan[.]” (Br. of Appellant at 13.) Based on the evidence presented during his probation revocation hearing, we cannot agree.

On March 24, 2010, Behling signed a list of rules for participation in the treatment program at Lincoln. These rules included avoiding unauthorized contact with the victim, individuals under the age of sixteen or eighteen,² or anyone identified as a potential victim; and refraining from the “possession or use of any pornography at any time [including] audio, visual, hand-drawings, Internet and sexual chat rooms.” (App. at 87.)

In its Petition to Revoke Probation, the State alleged Behling violated the rules of his treatment by: watching pornography, visiting an adult bookstore, patronizing a strip club, having regular contact with young children, maintaining sexual thoughts about “males around the age of 15,” (*id.* at 85), having sexual contact with a male reported to be approximately

² The format of this document suggests the appropriate age restriction, either sixteen or eighteen, should have been selected based on each individual offender’s situation. However, Behling’s rule agreement did not have either age restriction chosen.

fifteen years old, soliciting a male reported to be approximately fifteen years old, and being alone with a twelve-year-old girl and fifteen-year-old boy on at least one occasion.

At the revocation hearing, Behling testified he visited an adult bookstore before his treatment at Lincoln; he visited a strip club after starting his treatment at Lincoln, but allegedly before he was apprised of the rules of the facility; was in contact with two or three children; he did not have sexual contact with a fifteen-year-old boy; he transported a fifteen-year-old boy in his car; and he was in the unauthorized presence of a twelve-year-old girl. Behling's therapist at Lincoln testified he accurately depicted information he received from Behling, and that Behling was informed of the facility's rules when he arrived, not a month later, as Behling asserted. Behling's argument is an invitation for us to reweigh the evidence, which we cannot do. *Pitman v. State*, 749 N.E.2d 557 (Ind. Ct. App. 2001), *trans. denied*.

Behling violated his probation by failing to complete sex offender treatment. As violation of a single term of probation is sufficient for revocation, *Hubbard v. State*, 683 N.E.2d 618, 622 (Ind. Ct. App. 1997), the trial court did not abuse its discretion in revoking Behling's probation.³ Accordingly, we affirm.

Affirmed.

BAKER, J., and BRADFORD, J., concur.

³ Behling argues the trial court abused its discretion in ordering him to serve the remainder of his sentence incarcerated. It did not. *See, e.g., Peterson v. State*, 909 N.E.2d 494, 499-500 (Ind. Ct. App. 2009) (affirming revocation of entire suspended sentence when probationer viewed pornography in violation of his treatment contract and conditions of probation).