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IN THE
COURT OF APPEALS OF INDIANA

JOSEPH FIELDS,	)	
	)	
Appellant-Defendant,	)	
	)	
vs.	)	No. 49A05-0901-CR-34
	)	
STATE OF INDIANA,	)	
	)	
Appellee-Plaintiff.	)	

APPEAL FROM THE MARION SUPERIOR COURT
The Honorable Robert Altice, Judge
The Honorable Steven Rubick, Magistrate
Cause No. 49G02-0305-FB-83495

September 8, 2009

MEMORANDUM DECISION - NOT FOR PUBLICATION

MAY, Judge

Joseph Fields appeals the imposition of his previously suspended sentence. We affirm.

FACTS AND PROCEDURAL HISTORY

On September 10, 2003, Fields pled guilty to Class B felony robbery and Class A misdemeanor carrying a handgun without a license. He was sentenced to ten years, with four years suspended to probation. On September 2, 2008, Fields was arrested and charged with murder, unlawful possession of a firearm by a serious violent felon, and resisting law enforcement. The probation department filed a notice of probation violation, alleging Fields had violated the conditions of his probation by committing these offenses.

A hearing was held on December 19, 2008. During the hearing, the probable cause affidavit from Fields' new case was entered into evidence. According to the affidavit, an officer caught sight of a vehicle matching the description of one that had fled the scene of a shooting in Indianapolis. The officer activated his emergency lights, but the car, which Fields was driving, continued eastbound on 16th Street, turned south on Pershing Avenue, and continued south on White River Parkway. In the 100 block of White River Parkway, Fields lost control of the vehicle, crossed over the sidewalk, and crashed into some trees. Fields exited the vehicle holding a shotgun with his hand on the pump action. Fields surrendered after an officer fired a shot at him. Fields made incriminating statements to the police. Photographs of Fields right after his apprehension and of his shotgun were admitted at the probation violation hearing.

The trial court found Fields was

> in violation of his probation . . . . Given the nature of the violation, I find revocation with remand to the Department of Correction is the appropriate sanction. Mr. Fields' term of probation . . . is revoked. He's remanded to the Department of Correction to serve four (4) years.

(Tr. at 29.)

DISCUSSION AND DECISION

Fields does not challenge the finding he violated the terms of his probation. He argues only that the trial court abused its discretion by ordering him to serve all of his previously suspended four-year sentence. "Probation is a matter of grace and a conditional liberty that is a favor, not a right." *Taylor v. State*, 820 N.E.2d 756, 759 (Ind. Ct. App. 2005), *trans. denied*. When a trial court finds a person has violated a condition of probation, the trial court may continue the person on probation, extend the probationary period, or order execution of all or part of the sentence that was originally suspended. Ind. Code § 35-38-2-3(g). We review for abuse of discretion the trial court's sentencing decision in a probation revocation proceeding. *Podlusky v. State*, 839 N.E.2d 198, 200 (Ind. Ct. App. 2005).

Fields notes he completed nearly three years of probation without any violations. During that time, he obtained his GED, maintained employment, and had clean drug screens. While these are positive developments, the ultimate goal is for Fields to lead a law-abiding life, and he did not. Given the seriousness of his new charges, we cannot say the trial court abused its discretion by ordering Fields to serve his previously suspended sentence. *See Prewitt v. State*, 878 N.E.2d 184, 188 (Ind. 2007) ("Once a trial court has

exercised its grace by ordering probation rather than incarceration, the judge should have considerable leeway in deciding how to proceed.”).

Affirmed.

CRONE, J., and BROWN, J., concur.