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IN THE
COURT OF APPEALS OF INDIANA

TRAVIS BEALS,	)	
	)	
Appellant/Defendant,	)	
	)	
vs.	)	No. 69A01-0905-CR-255
	)	
STATE OF INDIANA,	)	
	)	
Appellee/Plaintiff.	)	

APPEAL FROM THE RIPLEY CIRCUIT COURT
The Honorable Carl H. Taul, Judge
Cause Nos. 69C01-0309-FB-11; 69C01-0309-FB-13

October 13, 2009

MEMORANDUM DECISION - NOT FOR PUBLICATION

BRADFORD, Judge

Appellant/Defendant Travis Beals appeals from the revocation of his probation and the trial court's order that the suspended portion of his sentence be executed. We affirm.

FACTS AND PROCEDURAL HISTORY

On March 19, 2004, in Cause Number 69C01-0309-FB-11 ("Cause No. FB-11"), Beals pled guilty to one count of Class B felony burglary and, in Cause Number 69C01-0309-FB-13 ("Cause No. FB-13"), to Class B felony burglary, seven counts of Class C felony burglary, and five counts of Class D felony theft. The trial court sentenced Beals to aggregate sentences of twenty years of incarceration with ten suspended to probation in both causes, with both sentences to be served concurrently. Beals was released from prison and began his probation on September 11, 2007.

On July 11, 2008, the State alleged that Beals had violated the terms of his probation by consuming alcohol, being charged with marijuana possession, testing positive for marijuana, failing to pay restitution of $350.00 in Cause No. FB-11 and $2649.27 in Cause No. FB-13, and failing to pay probation fees of $530.00. On April 8, 2009, following a hearing, the trial court found that Beals had violated the terms of his probation by being charged with marijuana possession and testing positive for marijuana. The trial court revoked Beals's probation and ordered that the ten-year suspended portion of his sentence be executed.

DISCUSSION AND DECISION

Probation is a "'matter of grace'" and a "'conditional liberty that is a favor, not a right.'" *Marsh v. State*, 818 N.E.2d 143, 146 (Ind. Ct. App. 2004) (quoting *Cox v. State*, 706

N.E.2d 547, 549 (Ind. 1999)). We review a trial court's probation revocation for an abuse of discretion. *Sanders v. State*, 825 N.E.2d 952, 956 (Ind. Ct. App. 2005), *trans. denied*. If the trial court finds that the person violated a condition of probation, it may order the execution of any part of the sentence that was suspended at the time of initial sentencing. *Stephens v. State*, 818 N.E.2d 936, 942 (Ind. 2004).

Beals contends that the trial court abused its discretion by ordering all of his suspended sentence to be executed following his admission that he had violated the terms of his probation within a year of his release from prison. The crux of Beals's argument is essentially that he should not have to spend ten years in prison following such a minor probation revocation. Beals, however, provides us with no authority standing for the proposition that the length of a suspended sentence ordered executed upon a probation revocation is dependent in any way upon the relative "seriousness" of the violation, and we are aware of none. The trial court *could* have chosen to order that Beals execute less time, of course, but Beals has not established that the trial court's decision not to amounts to an abuse of discretion. Beals received a substantial benefit from his plea agreement and chose to squander that benefit within one year of his release from prison.

The judgment of the trial court is affirmed.

BAILEY, J., and VAIDIK, J., concur.