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FILED
Dec 15 2010, 10:11 am
CLERK
of the supreme court, court of appeals and tax court

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IN THE
COURT OF APPEALS OF INDIANA

JUSTIN CROUCHER,	)	
	)	
Appellant-Defendant,	)	
	)	
vs.	)	No. 89A01-1006-CR-293
	)	
STATE OF INDIANA,	)	
	)	
Appellee-Plaintiff.	)	

APPEAL FROM THE WAYNE SUPERIOR COURT
The Honorable Gregory A. Horn, Judge
Cause No. 89D02-0811-FC-42

December 15, 2010

MEMORANDUM DECISION - NOT FOR PUBLICATION

FRIEDLANDER, Judge

Justin Croucher appeals the execution of nearly all of his previously suspended sentence upon the revocation of his probation.

We affirm.

On November 4, 2008, Croucher, who was eighteen years old at the time, and his uncle beat a mentally-deficient man, leaving the victim's face bleeding, lacerating his right ear, and causing a right orbital blow-out fracture. This altercation stemmed from a $5 debt the victim owed Croucher's uncle. For his role in the attack, on October 22, 2009, Croucher pleaded guilty to battery causing serious bodily injury, a class C felony. Pursuant to a plea agreement, Croucher was sentenced to four years, with two years suspended to probation. Croucher received 625 days credit and was released to probation on November 30, 2009.

The facts relevant to the revocation of Croucher's probation are that on December 12, 2009, twelve days after Croucher was released to probation, Croucher became involved in a verbal altercation with a fourteen-year old female. When the female began to walk away, Croucher, who had a bike peg in his hand, grabbed her and punched her in the head several times. When police arrived they observed that the female was bleeding from the left side of her head and face. The State charged Croucher with class A misdemeanor battery. The State also filed a petition to revoke Croucher's probation, alleging that Croucher violated his probation by committing the new criminal offense and that Croucher failed to obtain written permission from his probation officer before changing his place of residence.

At a June 1, 2010 hearing, Croucher admitted to the allegations in the petition to revoke his probation. Croucher asked the court to allow him to continue on probation. The

State asked that the entire two-year suspended sentence be imposed. The court ordered Croucher to serve 700 days of his previously suspended sentence. Croucher now appeals.

Croucher argues that the trial court abused its discretion in ordering him to serve the bulk of his previously-suspended sentence. Croucher asserts that the trial court "fail[ed] to give [him] any real benefit from cooperating with the proceedings by admitting the violations as opposed to forcing the State to a hearing on [the] petition to revoke [his] probation." *Appellant's Brief* at 2.

Indiana Code Ann. § 35-38-2-3(g) (West, Westlaw through 2010 2nd Regular Sess.) provides that upon finding a violation of probation, a trial court may "order execution of all or part of the sentence that was suspended at the time of initial sentencing." We review the trial court's decision for an abuse of discretion. *Goonen v. State,* 705 N.E.2d 209 (Ind. Ct. App. 1999).

Croucher has an extensive juvenile history that includes a battery adjudication and at least seven other arrests for battery. Croucher testified at the probation revocation hearing that he has spent "more time locked up" than "free" as a juvenile. *Transcript* at 8. Twelve days after being released to probation for battering and causing serious bodily injury to a mentally-deficient man, Croucher battered a fourteen-year-old female. As a juvenile, Croucher was afforded numerous opportunities with probation, and he admittedly failed to ever successfully complete probation. The court recognized that Croucher continues to commit new crimes as soon as he is released from imprisonment and further observed that Croucher does not understand how he is to behave on probation, citing the fact that Croucher did not keep his probation officer informed as to his place of residence. Croucher has a

history of violent behavior that clearly has not been altered by the consequences that have been imposed. Croucher has demonstrated by his conduct that he is not a good candidate for probation and that he cannot be safely released into the community. Under the circumstances, we cannot say that the trial court abused its discretion in its choice of sanction for Croucher's admitted probation violations.

Judgment affirmed.

MAY, J., and MATHIAS, J., concur.