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ATTORNEY FOR APPELLANT:

MATTHEW J. McGOVERN
Evansville, Indiana

ATTORNEYS FOR APPELLEE:

GREGORY F. ZOELLER
Attorney General of Indiana

JOBY D. JERRELLS
Deputy Attorney General
Indianapolis, Indiana

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IN THE
COURT OF APPEALS OF INDIANA

DORIS COFFMAN,	)	
	)	
Appellant-Defendant,	)	
	)	
vs.	)	No. 31A04-1004-CR-240
	)	
STATE OF INDIANA,	)	
	)	
Appellee-Plaintiff.	)	

APPEAL FROM THE HARRISON SUPERIOR COURT
The Honorable Roger D. Davis, Judge
Cause Nos. 31D01-0402-FB-188 and 31D01-0504-FD-264

December 17, 2010

MEMORANDUM DECISION - NOT FOR PUBLICATION

CRONE, Judge

Doris Coffman appeals the trial court's orders revoking her probation, arguing that the trial court abused its discretion in ordering her to serve all three and one-half years of her suspended sentences rather than a lesser portion. Concluding that the trial court did not abuse its discretion, we affirm.

Facts and Procedural History

On October 26, 2005, in cause number 31D01-0402-FB-188 ("FB-188"), Coffman pled guilty to class B felony dealing in methamphetamine,[1] and in cause number 31D01-0504-FD-264 ("FD-264"), she pled guilty to class D felony theft.[2] The same day, the trial court imposed judgment and sentenced Coffman to the Department of Correction for eight years with three years suspended in FB-188, and eighteen months with one year suspended in FD-264, to be served consecutively. On May 1, 2007, the trial court issued an order placing Coffman in the community transition program in both causes.

On July 11, 2008, the State charged Coffman in cause number 31D01-0807-CM-516 ("CM-516")[3] with two counts of class C misdemeanor operating while intoxicated and one count of class A misdemeanor operating while intoxicated.

On July 16, 2008, in FB-188 and FD-264, the State filed a petition to revoke suspended sentence, alleging that she committed the offense of operating while intoxicated in violation of her probation. On September 30, 2009, in CM-516, Coffman pled guilty to class

[1] Ind. Code § 35-48-4-1.

[2] Ind. Code § 35-43-4-2.

[3] Coffman does not appeal CM-516, but this case was also at issue in the probation revocation hearing for FB-188 and FD-264.

A misdemeanor operating while intoxicated, and the trial court sentenced her to one year in Harrison County Jail with ten months suspended. The trial court also found that Coffman violated her probation in causes FB-188 and FD-264. The trial court did not revoke any of the suspended time in FB-188, but it did revoke six months of her suspended sentence in FD-264 and sentenced her to six months in the Harrison County Jail.

On February 2, 2010, the State filed a motion in all three causes to revoke suspended sentence, alleging that she tested positive for methamphetamine while on probation. Following a hearing, on March 19, 2010, the trial court found that Coffman violated probation by using methamphetamine. In FB-188, the trial court revoked Coffman's probation and ordered her to serve all three years of her suspended sentence. In FD-264, the trial court revoked her probation and ordered her to serve six months of her suspended sentence in the Harrison County Jail, consecutive to FB-188. In CM-516, the trial court did not revoke any time and continued Coffman on probation. This appeal ensued.

Discussion and Decision

Coffman contends that the trial court abused its discretion by revoking the entirety of her suspended sentences. In reviewing Coffman's argument, we observe that

> [p]robation is a matter of grace left to trial court discretion, not a right to which a criminal defendant is entitled. The trial court determines the conditions of probation and may revoke probation if the conditions are violated. Ind. Code § 35-38-2-3. 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. If this discretion were not afforded to trial courts and sentences were scrutinized too severely on appeal, trial judges might be less inclined to order probation to future defendants. Accordingly, a trial court's sentencing decisions for probation violations are reviewable using the abuse of discretion standard. 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) (some citations omitted).

If a court revokes a person's probation, the court may impose one or more of the following sanctions:

> (1) Continue the person on probation, with or without modifying or enlarging the conditions.
> (2) Extend the person's probationary period for not more than one (1) year beyond the original probationary period.
> (3) Order execution of all or part of the sentence that was suspended at the time of initial sentencing.

Ind. Code § 35-38-2-3(g).

Coffman asserts that she is addicted to methamphetamine and worked hard during her probation to overcome it by attending AA meetings and completing and graduating from a program at a halfway house. She argues that the trial court revoked her suspended sentences based on a single relapse. However, she violated the terms of her probation on two separate occasions. After her first probation violation, the trial court revoked only six months of her sentence in FD-264 and no time in FB-188. Despite the court's leniency, she violated probation again. We conclude that the trial court was within its discretion in determining that she was not a good candidate for probation and revoking her suspended sentences in their entirety. Accordingly, we affirm the trial court's orders revoking Coffman's probation.

Affirmed.

KIRSCH, J., and BRADFORD, J., concur.