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**IN THE
COURT OF APPEALS OF INDIANA**

TIMOTHY KEVIN ADDINGTON,)

Appellant-Defendant,)

vs.)

No. 48A02-0612-CR-1092

STATE OF INDIANA,)

Appellee-Plaintiff.)

APPEAL FROM THE MADISON COUNTY COURT

The Honorable David W. Hopper, Judge

Cause No. 48E01-0604-FD-136

July 16, 2007

MEMORANDUM DECISION - NOT FOR PUBLICATION

NAJAM, Judge

STATEMENT OF THE CASE

Timothy Kevin Addington appeals his sentence following the revocation of his probation. But we do not reach the merits of his appeal because we are without jurisdiction to do so.

We dismiss.

FACTS AND PROCEDURAL HISTORY

On June 27, 2006, Addington pleaded guilty to Possession of a Controlled Substance, as a Class D felony, and Operating While Intoxicated, as a Class A misdemeanor. The trial court, following the terms of the plea agreement, sentenced Addington to twenty-four months on the felony conviction and twelve months on the misdemeanor conviction. The court then ordered those sentences to run concurrently, and it suspended all twenty-four months of Addington's sentence. Addington did not challenge his sentence on appeal.

On October 25, 2006, the State filed a Notice of Violation of Probation against Addington. The court held a hearing on November 9, and Addington admitted to the violation. Accordingly, the court revoked eighteen months of Addington's probation and ordered that term executed in the Indiana Department of Correction. This appeal ensued.

DISCUSSION AND DECISION

The sole issue Addington raises on appeal is whether his eighteen-month sentence is inappropriate under Indiana Appellate Rule 7(B). But the eighteen-month sentence imposed by the trial court was not a new sentence. Rather, the trial court ordered

Addington to serve time that the court had originally suspended. Hence, Addington's appeal is a challenge to his initial sentence.

A defendant may not collaterally challenge his sentence on appeal from his probation revocation. Cox v. State, 850 N.E.2d 485, 490 n.1 (Ind. Ct. App. 2006) (citing Schlichter v. State, 779 N.E.2d 1155, 1156-57 (Ind. 2002)). “[T]he proper forum to contest the validity of the prior conviction is in a direct attack.” Crump v. State, 740 N.E.2d 564, 573 (Ind. Ct. App. 2001) (discussing England v. State, 530 N.E.2d 100, 103 (Ind. 1988)), trans. denied. As such, we decline to review Addington's argument on appeal, which is an impermissible collateral attack on his sentence. See Cox, 850 N.E.2d at 490 n.1 (citing Crump, 740 N.E.2d at 573).

Dismissed.

RILEY, J., and BARNES, J., concur.