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**IN THE
COURT OF APPEALS OF INDIANA**

KEITH PEASE,)
)
 Appellant-Defendant,)
)
 vs.) No. 49A05-0612-CR-734
)
 STATE OF INDIANA,)
)
 Appellee-Plaintiff.)

APPEAL FROM THE MARION SUPERIOR COURT
The Honorable Amy Barbar, Commissioner
Cause No. 49G02-0312-FC-227756

JULY 17, 2007

MEMORANDUM DECISION - NOT FOR PUBLICATION

GARRARD, Senior Judge

Pease was charged with five counts of Class C felony incest. Pursuant to a plea agreement Pease pled guilty to one count and the other four counts were dismissed. He was sentenced to six years with four years executed and two years suspended to probation. He began supervised probation on February 10, 2006. On October 24, 2006 a notice of probation violation was filed. Following a hearing on November 17, 2006, the court found that Pease had violated four conditions of his probation and ordered him to serve the previously suspended two-year sentence.

Pease appeals, contending that it was an abuse of discretion for the court to order him to serve the entire two-year suspended sentence.

At the outset we note the following statements of applicable law: Probation revocation proceedings are civil in nature and require proof by a preponderance of evidence. In revoking probation the court may order execution of less than all of the remaining sentence. The court's decision is reviewed on appeal only for an abuse of discretion. In performing that review, we will neither reweigh the evidence or redetermine the credibility of witnesses. We will affirm unless the decision is clearly against the logic and effect of the circumstances before the court. *Podlusky v. State*, 839 N.E.2d 198 (Ind. Ct. App. 2005); *Sanders v. State*, 825 N.E.2d 952 (Ind. Ct. App. 2005) *trans. den.*

Pease was released to probation on February 10, 2006. He initially resided at the Lighthouse Mission and was required to update his sex offender registry every seven days because of his temporary housing status.

Pease failed to update the registry after August 28, 2006. He was suspended from his sex offender treatment program on October 6, 2006 for failing to pay the required fees and for failing to attend a treatment class. On October 17 Pease left the Mission without notifying or securing the approval of his probation officer. Two days later he left a voice message for the probation officer that he had moved to his brother's residence, but failed to give his brother's residence address or any contact information. These were all violations of the terms of his probation. The court expressed its belief that, other than getting arrested for a new offense, one of the most serious violations a sex offender can commit is failing to keep the probation office advised where he is living so that whether he is around minor children can be monitored.

The court was not bound to accept Pease's explanations or excuses for his failures. The facts and circumstances before the court do not lead clearly to the conclusion that the court erred in ordering Pease to serve the remainder of his sentence.

Affirmed.

KIRSCH, J., and DARDEN, J., concur.