

STATEMENT OF THE CASE

Janette Emenegger appeals the trial court's order that revoked her probation. She presents a single issue for our review, namely, whether the trial court abused its discretion when it revoked her suspended sentence. We affirm.

FACTS AND PROCEDURAL HISTORY

On September 17, 2010, Emenegger pleaded guilty pursuant to a plea agreement to one count of forgery, as a Class C felony. The trial court sentenced her to four years, with two years suspended to supervised probation. On October 1, 2010, the State filed a petition alleging that Emenegger had violated the terms of her probation by failing a drug test. In an agreed entry, the trial court ordered Emenegger to be on strict compliance and continued her on supervised probation.

On January 26, 2011, the State filed a second notice of probation violation. The notice alleged that Emenegger had failed to report to probation as directed, had submitted a urine drug screen that tested positive for cocaine, and had failed to make a good faith effort toward her court-ordered financial obligation. At an evidentiary hearing on February 16, Emenegger admitted that she had tested positive for cocaine and that she had failed to make a good faith effort toward her court-ordered financial obligation. The trial court entered an order that revoked her probation and ordered her to serve the suspended portion of her sentence, 545 days, executed. Emenegger now appeals.

DISCUSSION AND DECISION

Emenegger appeals the revocation of her probation. As our Supreme Court has explained:

Probation 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. 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) (citations omitted). Here, the State alleged, and Emenegger admitted, that she violated two terms of her supervised probation during the period she was ordered to strict compliance. Her argument on appeal is that she did not have transportation to her appointments, she was around people who were a "bad influence," and she had not taken her medication for her bipolar disorder and, as a result, her "priorities weren't straight." Transcript at 8. On appeal Emenegger concedes that the sanction imposed for her probation violations "was within the law and the trial court's discretion." Appellant's Brief at 5. And her explanations for the missed appointments and positive drug test amount to a request that we reweigh the evidence, which we cannot do. Id.

Again, probation is a matter of grace, and a trial court's decision to revoke probation is reviewed for an abuse of discretion. See Prewitt, 878 N.E.2d at 188. The trial court's determination was supported by substantial evidence, including Emenegger's admission to the violations. Moreover, Emenegger twice failed drug tests, the second time after having been placed on strict compliance. The trial court did not abuse its

discretion when it revoked Emenegger's probation and ordered her to serve the previously suspended portion of her sentence.

Affirmed.

RILEY, J., and MAY, J., concur.