



Larry O. Holder, Jr. appeals from the trial court's order revoking his probation and imposing the previously suspended portion of his sentence for burglary, a class B felony. Holder raises the following issue for our review: Did the trial court abuse its discretion by imposing a two-year executed sentence upon finding that Holder violated the conditions of his probation?

We affirm.

On October 27, 2005, the State charged Holder with class B felony burglary, class D felony theft, and class D felony possession of stolen property. Holder agreed to plead guilty to class B felony burglary in exchange for dismissal of the remaining counts. His plea agreement was entered on January 2, 2009, and he was sentenced on February 2, 2009 to a term of 20 years with 1,204 days credit and 1,204 days good-time credit, and the remaining time suspended to probation on the condition that Holder successfully complete a substance abuse program at Lighthouse Recovery Center. One of the terms of Holder's probation was that he refrain from the use of alcoholic beverages "in any form or quantity." *Appellant's Appendix* at 102.

On February 26, 2009, the State filed a petition to revoke Holder's probation alleging that Holder had violated the terms of his probation by appearing at the Lighthouse Recovery Center while intoxicated. At a August 10, 2009 hearing, Holder admitted violating the conditions of his probation by drinking "quite a bit" of a sixty-four-ounce bottle of mouthwash that was thirty percent alcohol. *Transcript* at 13. On January 6, 2010, citing Holder's extensive criminal history and his unsuitability for alternative placements, the trial

court ordered Holder to serve the remainder of his previously suspended sentence less 316 days served with 316 days good time credit. Holder now appeals.

Although Holder argues that we should review the trial court's sentencing decision for appropriateness, the proper standard of review of a trial court's sentencing decision regarding probation violations is an abuse-of-discretion standard. *Prewitt v. State*, 878 N.E.2d 184 (Ind. 2007). An abuse of discretion occurs where the trial court's decision is clearly against the logic and effect of the facts and circumstances. *Id.*

Probation is a "matter of grace" and a "conditional liberty that is a favor, not a right." *Million v. State*, 646 N.E.2d 998, 1001-02 (Ind. Ct. App. 1995) (quoting *Gilfillen v. State*, 582 N.E.2d 821, 824 (Ind. 1991)). The trial court was well within its discretion upon finding Holder admitted to a probation violation to order that Holder serve the remainder of his unexecuted sentence. *See* Ind. Code Ann. § 35-38-2-3(g) (West, Westlaw through 2010 Public Laws approved and effective through 3/25/2010). Holder's criminal history is extensive spanning eight counties and almost thirty years involving the commission of thirteen felonies and twenty-four misdemeanors. Holder was given the opportunity to address his substance abuse problems, but did not take advantage of that opportunity. His criminal history reveals that previous attempts at probation have failed. The trial court did not abuse its discretion here.

Judgment affirmed.

BARNES, J., and CRONE, J., concur.