



Shanta Vance appeals the revocation of her probation. We affirm.

## **FACTS AND PROCEDURAL HISTORY**

Vance pled guilty to Class D felony maintaining a common nuisance<sup>1</sup> and was sentenced to twenty-four months in the Indiana Department of Correction (IDOC). All twenty-four months of her sentence were suspended, contingent on compliance with probation conditions. About a month later, Vance was arrested for Class A misdemeanor false informing<sup>2</sup> and Class A misdemeanor possession of marijuana<sup>3</sup> because she possessed a clear plastic bag containing marijuana and gave police an incorrect birth date and incorrect surname.<sup>4</sup>

The State filed a notice of probation violation based on the arrest. Following an evidentiary hearing, the trial court revoked Vance's probation and remanded her to the IDOC for twenty months, a period slightly less than the remainder of her sentence.

## **DISCUSSION AND DECISION**

Vance argues her probation violations were not supported by sufficient evidence and the trial court abused its discretion by ordering execution of part of her suspended sentence.

### **1. Sufficiency of Evidence**

Probation revocation proceedings are civil in nature and, therefore, alleged violations must be proven by only a preponderance of the evidence. Ind. Code § 35-38-2-3(e). In

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<sup>1</sup> Ind. Code § 35-48-4-13.

<sup>2</sup> Ind. Code § 35-44-2-2.

<sup>3</sup> Ind. Code § 35-48-4-11.

<sup>4</sup> Vance told police her name was Shanta Evans, a name she used in 2007 before legally changing her name to Shanta Vance.

evaluating the sufficiency of evidence to support probation violations, we will not reweigh evidence or determine witness credibility. *King v. State*, 642 N.E.2d 1389, 1393 (Ind. Ct. App. 1994). Rather, we look only to the evidence most favorable to the State. *Id.* The violation of a single condition of probation is sufficient to support revocation. *Gosha v. State*, 873 N.E.2d 660, 663 (Ind. Ct. App. 2007).

As a condition of her probation, Vance was ordered to “obey all municipal, state, and federal laws, and behave well in society.” (Appellant’s App. at 23.) The court could find by a preponderance of the evidence that she violated this condition by committing false informing and possession of marijuana.

“A person who gives . . . false information in the official investigation of the commission of a crime, knowing the report or information to be false . . . commits false informing . . . if it substantially hinders any law enforcement process or if it results in harm to an innocent person.” Ind. Code § 35-44-2-2. Police responded to a report of domestic battery and attempted suicide, and they arrested Vance as a suspect. Vance told officers her name was Shanta Evans, a name she had not used after legally changing her name to Shanta Vance, and she reported a date of birth that was different from the date on her driver’s license. This was sufficient evidence Vance committed false informing. *See Smith v. State*, 660 N.E.2d 357, 359 (Ind. Ct. App. 1996) (providing false name and incorrect date of birth were sufficient to prove false informing).

There also was sufficient evidence Vance possessed marijuana. Officers found a plastic bag of marijuana in Vance’s purse, next to Vance’s identification card. Vance’s

possessory interest in the purse is sufficient to establish the marijuana was in her possession. *See Burgin v. State*, 431 N.E.2d 864, 867 (Ind. Ct. App. 1982) (affirming possession of marijuana conviction where officers found marijuana in a purse with defendant's identification card in defendant's bedroom).<sup>5</sup> There was sufficient evidence Vance possessed marijuana.

The trial court did not err in finding by a preponderance of the evidence that Vance violated probation by committing false informing and possessing marijuana.

## 2. Abuse of Discretion

We review a decision to revoke probation only for an abuse of discretion. *Prewitt v. State*, 878 N.E.2d 184, 188 (Ind. 2007). An abuse of discretion occurs only if the decision is clearly against the logic and effect of the facts and circumstances. *Id.* The trial court has significant discretion in handling probation violations. After finding a defendant violated a condition of probation, the trial court may 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).

The trial court ordered the execution of Vance's sentence after concluding she violated probation by committing false informing and possession of marijuana. Ordering execution of a suspended sentence, as the trial court did, is an appropriate sanction under Ind. Code § 35-38-2-3(g)(3).

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<sup>5</sup> We acknowledge that, unlike in *Burgin*, police discovered Vance's purse outside her home. Nevertheless, the marijuana was in Vance's purse with her identification card. The trial court evaluated the witness testimony regarding the purse, and Vance's argument is merely an invitation to reweigh evidence, a task we will not undertake. However, even if the trial court erroneously found possession, it properly revoked Vance's probation based on false informing.

Vance was only nineteen when she committed Class D felony maintaining a common nuisance. About a month after starting probation, Vance violated the conditions of her probation by committing two additional crimes, one of which was a second drug related offense. Therefore, we find no abuse of discretion in ordering the execution of Vance's remaining sentence and we affirm.

Affirmed.

ROBB, J., and VAIDIK, J., concur.