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this Memorandum Decision shall not be
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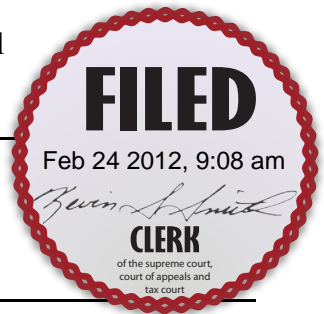
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**IN THE
COURT OF APPEALS OF INDIANA**



ANTOINE L. SKINNER,
Appellant-Defendant,

vs.

STATE OF INDIANA,
Appellee-Plaintiff.

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No. 48A02-1105-CR-514

APPEAL FROM THE MADISON SUPERIOR COURT
The Honorable Dennis D. Carroll, Judge
Cause No. 48D01-0606-FA-169

February 24, 2012

MEMORANDUM DECISION - NOT FOR PUBLICATION

MAY, Judge

Antoine L. Skinner appeals the revocation of his probation. He asserts the trial court abused its discretion by revoking all four years of his suspended sentence because his single sale of cocaine, for \$350, to a police informant, was “a trivial violation” of probation. (Br. of Appellant at 3.) Disagreeing with that characterization, we affirm.

FACTS AND PROCEDURAL HISTORY

The State charged Skinner with Class A felony dealing in cocaine¹ in June of 2006. He pled guilty to Class B felony dealing in cocaine and, in November of 2007, the court pronounced a twelve-year sentence, with four years suspended to probation. Skinner began serving probation in April of 2010.

On March 28, 2011, a confidential informant for the Madison County drug task force purchased \$350 of cocaine from Skinner, and the State petitioned to revoke his probation. After a hearing, the court revoked all four suspended years of Skinner’s original sentence.

DISCUSSION AND DECISION

If a trial court finds, by a preponderance of the evidence, a probationer violated probation,

the court may impose one (1) or more of the following sanctions:

- (1) Continue the person on probation, with or without modifying or enlarging the conditions.
- (2) Extend the person’s probationary period for not more than one (1) year beyond the original probationary period.
- (3) 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). We review a trial court’s selection of a sanction only for an abuse

¹ Ind. Code § 35-48-4-1.

of discretion because:

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.

Wilkerson v. State, 918 N.E.2d 458, 464 (Ind. Ct. App. 2009) (quoting *Prewitt v. State*, 878 N.E.2d 184, 187 (Ind. 2007)).

The State petitioned to revoke Skinner's probation because he sold cocaine, which offense is a Class A or Class B felony.² At the time, Skinner was serving probation for a conviction of Class B felony dealing in cocaine. He committed that offense while he was on probation for earlier convictions. This is not the first time a court revoked Skinner's probation, as courts did so in 1994 and 1996.

We note Skinner's criminal history includes nearly two-dozen convictions, about half of which are felonies. Under these circumstances, we find no abuse of discretion in the court ordering Skinner to serve the rest of his suspended sentence. *See, e.g., Wilkerson*, 918 N.E.2d at 464 (finding no abuse of discretion in imposition of entirety of suspended sentence where court found Wilkerson possessed cocaine). Accordingly, we affirm.

Affirmed.

CRONE, J., and BROWN, J., concur.

² Ind. Code § 35-48-4-1.