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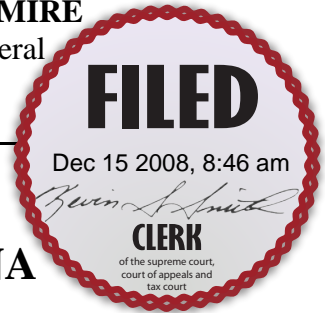
ATTORNEY FOR APPELLANT:

MATTHEW J. ELKIN
Kokomo, Indiana

ATTORNEYS FOR APPELLEE:

STEVE CARTER
Attorney General of Indiana

MATTHEW WHITMIRE
Deputy Attorney General
Indianapolis, Indiana



**IN THE
COURT OF APPEALS OF INDIANA**

CHARLES BROADUS,)
)
Appellant-Defendant,)
)
vs.)
)
STATE OF INDIANA,)
)
Appellee-Plaintiff.)

No. 34A02-0808-CR-702

APPEAL FROM THE HOWARD CIRCUIT COURT
The Honorable Lynn Murray, Judge
Cause No. 34C01-8810-CF-146

December 15, 2008

MEMORANDUM DECISION - NOT FOR PUBLICATION

KIRSCH, Judge

Charles Broadus was ordered to serve the remainder of his suspended sentence after he violated his probation. He appeals, raising one issue, which we restate as whether the trial court abused its discretion in executing his suspended sentence.

We affirm.

FACTS AND PROCEDURAL HISTORY

Broadus was convicted by a jury of dealing in cocaine as a Class B felony,¹ adjudicated an habitual offender,² and sentenced to ninety-five years. *Appellant's App.* at 4. Twelve years later, his sentence was modified to forty-five years, with forty of those years executed and five years suspended to probation. *Id.* at 9. Eleven months after Broadus was released to probation, he was arrested and pleaded guilty to possession of cocaine as a Class C felony.³ *Id.* at 17. After a hearing was held on the State's petition to revoke his suspended sentence, the trial court revoked his probation and ordered him to serve out the remainder of his suspended sentence. *Tr.* at 5. He now appeals.

DISCUSSION AND DECISION

Broadus contends that the trial court abused its discretion when it ordered the execution of his suspended sentence. We review a trial court's sentencing decision in a probation revocation proceeding for an abuse of discretion. *Abernathy v. State*, 852 N.E.2d 1016, 1020 (Ind. Ct. App. 2006). An abuse of discretion occurs if the trial court's decision is

¹ See Ind. Code § 35-48-4-1(1).

² See Ind. Code § 35-50-2-8(a).

³ See Ind. Code § 35-48-4-6(b)(1).

against the logic and effect of the facts and circumstances before the court. *Id.*

A trial court having found that a defendant has violated a condition of probation may continue the probation, extend the probationary term, or order the execution of a sentence suspended at the time of sentencing. *See* Ind. Code § 35-38-2-3. Broadus admitted that he violated his probation. *Appellant's App.* at 127. He contends, though, that the trial court “imposed the entire remainder of his suspended sentence” without providing sufficient factual findings. *Appellant's Br.* at *4.⁴ We disagree. Although the trial court failed to set out its findings in writing, its order of revocation coupled with the transcript of the revocation hearing provides a sufficiently clear statement that the trial court revoked Broadus's probation because he committed another crime while on probation. *See Appellant's App.* at 19, 127. This is sufficient to satisfy due process requirements. *See Hubbard v. State*, 683 N.E.2d 618, 621 (holding that the trial court's Order of Revocation combined with the hearing transcript provided an adequate basis for appellate review and satisfied the separate writing requirement). Therefore, we find no abuse of discretion.

Affirmed.

VAIDIK, J., and CRONE, J., concur.

⁴ The Appellant's Brief is not paginated. *4 represents the fourth page after the table of authorities.