

Appellant-defendant Jeremiah Roberson appeals from the trial court's order revoking probation and directing that he serve the remaining two years of his previously-suspended sentence. Roberson argues that there is insufficient evidence establishing that he violated the terms of his probation and that the full revocation of the suspended sentence was excessive. Finding no error, we affirm the judgment of the trial court.

FACTS

On July 7, 2004, Roberson pleaded guilty to class B felony burglary. The plea agreement called for an eight-year sentence, with four years executed and four years suspended to probation. Among other things, the terms and conditions of Roberson's probation required him to (1) refrain from committing any new offenses; (2) report to the probation department; (3) maintain suitable employment; (4) notify the probation department of any changes in address within two working days; and (5) pay probation user fees.

On November 1, 2006, the probation department filed a petition to revoke Roberson's suspended sentence, alleging that Roberson had been charged with additional offenses, owed over \$500 in fines, costs, and fees, owed over \$200 in probation user and administrative fees, had failed to notify the Probation Department of a change of address, and was not maintaining suitable employment. Roberson denied the allegations.

At the February 22, 2007, probation revocation hearing, Roberson admitted that he was not maintaining suitable employment, that he had failed to notify the Probation Department of a change in his address within two working days, and that he owed money for certain fines, costs, and probation fees. Following the hearing, the trial court found that

Roberson had failed to maintain suitable employment and had failed to notify the Probation Department of a change of address within two working days. It then revoked Roberson's suspended sentence and ordered him to serve the remaining two years in the Department of Correction. Roberson now appeals.

DISCUSSION AND DECISION

In considering whether the evidence is sufficient to support the revocation of probation, we note that we apply the same standard of review applied to all other sufficiency claims. Richeson v. State, 648 N.E.2d 384, 389 (Ind. Ct. App. 1995). Specifically, we neither reweigh the evidence nor judge the credibility of the witnesses and examine only the evidence most favorable to the trial court's judgment and the reasonable inferences that may be drawn therefrom. Packer v. State, 777 N.E.2d 733, 740 (Ind. Ct. App. 2002). We will affirm if there is substantial evidence of probative value supporting the trial court's judgment. Id.

Probation is a matter of grace and a conditional liberty that is a favor, not a right. Noethlich v. State, 676 N.E.2d 1078, 1081 (Ind. Ct. App. 1997). A probation revocation hearing is in the nature of a civil proceeding, and the alleged violation(s) need be proved only by a preponderance of the evidence. Ind. Code § 35-38-2-3(e); Isaac v. State, 605 N.E.2d 144, 146 (Ind. 1992).

Here, Roberson admitted at the hearing that he had not paid certain costs and fees, that he had not maintained suitable employment, and that he had not notified the Probation Department of a change in address within two working days. Tr. p. 12-13. Although he

offered explanations for these failures to comply with the conditions of his probation, he admitted that he had, in fact, failed to comply. On appeal, Roberson again focuses on the reasons for his failures to comply with the terms of probation, but this is a request that we reweigh the evidence—a practice in which we do not engage when evaluating the sufficiency of the evidence. Consequently, we find that there was sufficient evidence supporting the trial court’s conclusion that Roberson violated one or more of the conditions of his probation.

Roberson also argues that the trial court erroneously revoked the balance of the previously-suspended sentence. The decision to revoke probation lies within the sole discretion of the trial court. Smith v. State, 727 N.E.2d 763, 765 (Ind. Ct. App. 2000). Probation revocation is a two-step process: first, the court must make a factual determination that a violation of a condition of probation actually occurred; and second, if a violation occurred, the trial court must determine whether the violation warrants revocation. Parker v. State, 676 N.E.2d 1083, 1085 (Ind. Ct. App. 1997).

Here, we have already determined that there was sufficient evidence supporting the trial court’s factual determination that Roberson violated one or more of the conditions of his probation. As to whether revocation was warranted, we observe that it is within a trial court’s discretion to order execution of the full sentence upon finding a probation violation. I.C. § 35-38-2-3(g)(3). Nothing in the record here leads us to conclude that the trial court abused its discretion in revoking the full balance of Roberson’s previously-suspended sentence.

The judgment of the trial court is affirmed.

BAILEY, J., and VAIDIK, J., concur.