MEMORANDUM DECISION

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IN THE COURT OF APPEALS OF INDIANA

Wyatt Eggleston,
Appellant-Defendant,

v.

State of Indiana,
Appellee-Plaintiff.

November 24, 2021

Court of Appeals Case No. 21A-CR-1303

Appeal from the Ripley Circuit Court

The Honorable Ryan J. King, Judge

Trial Court Cause No. 69C01-1901-F5-2

Pyle, Judge.

Statement of the Case

[1] Wyatt Eggleston ("Eggleston") appeals the sanction imposed following the revocation of his probation. Eggleston argues that the trial court abused its discretion when it ordered him to serve part of his previously suspended sentence. Concluding that the trial court did not abuse its discretion, we affirm the trial court's judgment.

[2] We affirm.

Issue

> Whether the trial court abused its discretion when it ordered Eggleston to serve part of his previously suspended sentence.

Facts

[3] In January 2019, the State charged Eggleston with Level 5 felony battery, Class A misdemeanor resisting law enforcement, and Class A misdemeanor invasion of privacy. Eggleston entered into a plea agreement with the State and agreed to plead guilty to Level 5 felony battery and Class A misdemeanor invasion of privacy. In exchange for Eggleston's guilty plea, the State dismissed the Class A misdemeanor resisting law enforcement charge and recommended a six-year sentence of incarceration, with five years suspended to probation. In September 2019, the trial court sentenced Eggleston pursuant to the recommended terms in the plea agreement. The trial court sentenced Eggleston to six years of incarceration, with five years suspended to probation for the Level 5 felony battery. The trial court also sentenced Eggleston to one year of incarceration

for the Class A misdemeanor invasion of privacy, which was ordered to be served concurrently with his battery sentence. The terms of Eggleston's probation included that he could not commit any new offenses while on probation and could not have contact with K.F., the victim of his battery conviction.

[4] In May 2020, the Department of Correction released Eggleston to probation. In August 2020, probation officer Justin Lynette ("probation officer Lynette") visited Eggleston at his camper. Eggleston was alone, but explained to Lynette that he had a roommate named Jo Struckman. Lynette visited again later that month and found Eggleston with his battery victim, K.F., in violation of the terms of his probation. Lynette learned that there was nobody named Jo Struckman and that Eggleston had provided a false name.

[5] In August 2020, the State charged Eggleston with invasion of privacy in another cause of action. Subsequently, the State filed a Petition for Probation Violation. The petition alleged that Eggleston had violated the terms of his probation by committing another offense, invasion of privacy. Specifically, the petition alleged that Eggleston had violated a protective order that was in place to protect K.F., the victim from his prior battery conviction.

[6] The trial court held a probation violation hearing in May 2021. At this hearing, Eggleston admitted to committing a new offense while on probation. Specifically, when asked by the State, "[y]ou and [K.F.] [we]re in your trailer and you[] ha[d] contact, committing a new crime. Agree[,]" Eggleston replied,

"I agree." (Tr. Vol. 2 at 33). Probation officer Lynette also testified at the hearing. Specifically, Lynette testified that Eggleston admitted to lying about the roommate named Jo Struckman. Eggleston revealed that he had no roommate with this name and that he had lied to probation officer Lynette. Based on Eggleston's admission, the trial court determined that Eggleston had violated his probation. During the dispositional hearing, the State noted Eggleston's long criminal history, which included at least fourteen misdemeanors, five felonies, and three probation violations. Additionally, when confronted about his battery conviction, Eggleston stated, "I never hit [K.F.]." (Tr. Vol. 2 at 34).

[7] The trial court, at the conclusion of the hearing, stated "[n]umber one, you [have] a really bad criminal history, and, number two, you're victimizing the same person. So, you're not learning anything." (Tr. Vol. 2 at 40-41). The trial court revoked Eggleston's probation and ordered him to serve four years of his previously suspended five-year sentence at the Department of Correction.

[8] Eggleston now appeals.

Decision

[9] Eggleston argues that "[t]he trial court abused its discretion by revoking four (4) years of Eggleston's . . . five (5) year suspended sentence." (Eggleston's Br. 9). We disagree.

[10] "[A] trial court's sentencing decisions for probation violations are reviewable using the abuse of discretion standard." *Prewitt v.* State, 878 N.E.2d 184, 188

(Ind. 2007) (citing *Sanders v. State*, 825 N.E.2d 952, 956 (Ind. Ct. App. 2005), *trans. denied*). An abuse of discretion occurs where the decision is clearly against the logic and effect of the facts and circumstances. *Id.*

[11] INDIANA CODE § 35-38-2-3(h)(3) provides:

> (h) If the court finds that the person has violated a condition [of probation] at any time before termination of the period, and the petition to revoke is filed within the probationary period, the court may impose one (1) or more of the following sanctions:
>
> . . . (3) Order execution of all or part of the sentence that was suspended at the time of initial sentencing.

"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." *Prewitt*, 878 N.E.2d at 188. "If this discretion were not given to trial courts and sentences were scrutinized too severely on appeal, trial judges might be less inclined to order probation to future defendants." *Id.* Further, it is well settled that a single "violation of a condition of probation is enough to support a probation revocation." *Pierce v. State*, 44 N.E.3d 752, 755 (Ind. Ct. App. 2015).

[12] Our review of the record reveals that there is ample basis for the trial court's decision to order Eggleston to serve four years of his previously suspended sentence. Eggleston admitted to violating the terms of his probation and that alone is enough to support the four-year sentence. *See Pierce*, 44 N.E.3d at 755; I.C. § 35-38-2-3(h)(3). Additionally, Eggleston admitted to lying to probation officer Lynette about the existence of a roommate named Jo Struckman. The

record also shows that Eggleston has a significant criminal history, including at least fourteen misdemeanors, five felonies, and three probation revocations. Further, many of those offenses, including the most recent invasion of privacy, are all involving the same victim. When asked about the most recent convictions involving K.F., his victim, Eggleston denied that he had even committed them.

[13] The trial court found Eggleston's admission of violating the terms of his probation, his lies to his probation officer, and his significant criminal history compelling when it ordered him to serve four years of his previously suspended sentence. We are not convinced by Eggleston's argument that the trial court abused its discretion when it ordered him to do so. As such, we affirm the trial court's order.

[14] Affirmed.

Bailey, J., and Crone, J., concur.