

NOT DESIGNATED FOR PUBLICATION

No. 125,438

IN THE COURT OF APPEALS OF THE STATE OF KANSAS

STATE OF KANSAS,
Appellee,

v.

CHRISTOPHER O. OKAGU,
Appellant.

MEMORANDUM OPINION

Appeal from Sedgwick District Court; ERIC WILLIAMS, judge. Opinion filed March 10, 2023.
Affirmed.

Submitted by the parties for summary disposition under K.S.A. 2022 Supp. 21-6820(g) and (h).

Before GREEN, P.J., HILL and COBLE, JJ.

PER CURIAM: Christopher O. Okagu appeals from the trial court's decision to revoke his probation. On appeal, Okagu argues that the trial court should have ordered drug and alcohol counseling instead of ordering him to serve his underlying prison sentence. We granted Okagu's motion for summary disposition under Kansas Supreme Court Rule 7.041A (2022 Kan. S. Ct. R. at 48) and deem this appeal submitted for resolution. Based on our review of the record on appeal, we do not find that the trial court erred in revoking Okagu's probation or in ordering him to serve his underlying sentence. Thus, we affirm.

Okagu pleaded guilty to felony theft and felony fleeing and eluding for crimes occurring in May 2018. The trial court sentenced him to 19 months in prison. But it suspended the sentence and placed Okagu on probation for 24 months.

The State moved to revoke Okagu's probation, and he admitted to possessing a controlled substance. The trial court revoked his probation, denied his request for a modified sentence, and ordered him to serve the underlying sentence. Okagu appealed pro se.

On appeal, Okagu asserts that the trial court erred in revoking probation because community corrections would have been beneficial and provided a better alternative than outright revocation. Okagu contends that he was willing to go into drug and alcohol counseling and treatment, which would address the underlying issues that gave rise to his criminal conduct.

But Okagu admits that the trial court had the legal authority to revoke his probation since he stipulated to committing a new crime while on probation. See K.S.A. 2022 Supp. 22-3716(c)(7)(C) (permitting revocation when a new crime is committed on probation). Okagu offers no factual or legal error made by the trial court, and we find no abuse of discretion.

For the preceding reasons, we affirm the trial court's decision under Supreme Court Rule 7.042(b)(2) (2022 Kan. S. Ct. R. at 49).

Affirmed.