

NOT DESIGNATED FOR PUBLICATION

No. 125,510

IN THE COURT OF APPEALS OF THE STATE OF KANSAS

STATE OF KANSAS,
Appellee,

v.

SHAMAJA S. RAYFORD,
Appellant.

MEMORANDUM OPINION

Appeal from Sedgwick District Court; KEVIN M. SMITH, judge. Opinion filed March 24, 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: Shamaja S. Rayford appeals from the revocation of her probation. We granted Rayford's motion for summary disposition in lieu of briefs as stated under Supreme Court Rule 7.041A (2023 Kan. S. Ct. R. at 48). The State responded to the motion and asked this court to affirm the revocation of Rayford's probation. After reviewing the record, we affirm.

In an amended complaint, the State charged Rayford with two counts of robbery, severity level 5 person felonies; one count of fleeing or attempting to elude an officer, a severity level 9 person felony; and misdemeanor driving while suspended, for crimes Rayford committed in November and December 2021. Rayford pled guilty to both robbery charges and fleeing or attempting to elude an officer. In exchange for her plea,

the State agreed to dismiss the remaining charge and to recommend the high number in the applicable sentencing grid box with the sentences to run consecutive. The State also agreed to recommend a dispositional departure and to recommend that the district court grant Rayford probation.

The district court sentenced Rayford to a total of 169 months' imprisonment but granted the request for a dispositional departure and ordered 36 months of probation.

On July 14, 2022, Rayford stipulated to violating the conditions of her probation by committing new crimes. The district court revoked her probation and ordered her to serve a modified sentence of 128 months' imprisonment. Rayford timely appeals.

In her motion for summary disposition, Rayford argues that the district court erred when it revoked her probation and ordered her to serve a modified sentence. But she acknowledges that the district court had the discretion to revoke her probation under the circumstances. See K.S.A. 2022 Supp. 22-3716(c)(7)(B) (court may revoke probation without intermediate sanctions if the probation was originally granted as a result of a dispositional departure); K.S.A. 2022 Supp. 22-3716(c)(7)(C) (court may revoke probation without intermediate sanctions if the offender commits a new felony or misdemeanor while on probation).

Because the district court was statutorily authorized to revoke Rayford's probation, the decision to revoke probation rests in the district court's sound discretion. See *State v. Clapp*, 308 Kan. 976, 981, 425 P.3d 605 (2018). A judicial action constitutes an abuse of discretion if (1) it is arbitrary, fanciful, or unreasonable; (2) it is based on an error of law; or (3) it is based on an error of fact. *State v. Levy*, 313 Kan. 232, 237, 485 P.3d 605 (2021). Rayford bears the burden of proving that the district court abused its discretion. See *State v. Crosby*, 312 Kan. 630, 635, 479 P.3d 167 (2021).

Rayford did not explain in her motion how the district court abused its discretion. At the probation hearing, Rayford argued that her issues on probation related to her drug addiction. When deciding to revoke her probation, the district court noted that Rayford failed to obtain drug and alcohol evaluations as ordered, committed new crimes like those that she was originally convicted of, and had a lengthy criminal history including previous crimes of theft. Under these circumstances, the district court's decision was reasonable. Rayford fails to meet her burden to show that the district court abused its discretion.

Affirmed.