

NOT DESIGNATED FOR PUBLICATION

No. 125,911

IN THE COURT OF APPEALS OF THE STATE OF KANSAS

STATE OF KANSAS,  
*Appellee,*

v.

SINORA WILSON,  
*Appellant.*

MEMORANDUM OPINION

Appeal from Sedgwick District Court; JEFFREY SYRIOS, judge. Opinion filed October 6, 2023.  
Affirmed.

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

Before CLINE, P.J., WARNER and PICKERING, JJ.

PER CURIAM: Sinora Wilson appeals the district court's revocation of his probation after he violated the terms of his probation. We granted his motion for summary disposition under Supreme Court Rule 7.041A (2023 Kan. S. Ct. R. at 48). Finding no reversible error of law or abuse of discretion, we affirm.

In July 2022, Wilson pleaded no contest to burglary, aggravated battery, and criminal threat. The district court imposed an underlying sentence of 27 months' imprisonment but suspended this sentence and ordered supervised probation for 24 months instead. About three months later, the State issued a warrant for Wilson's arrest for violating the terms of his probation.

The district court scheduled a hearing on the allegations in the warrant. At that hearing, Wilson waived his right to an evidentiary hearing on the allegations and stipulated to violating his probation as alleged in the warrant, which included that Wilson committed the new crime of criminal possession of a weapon by a felon. The district court revoked Wilson's probation and imposed a modified sentence of 25 months' imprisonment.

On appeal, Wilson does not dispute that he committed a new crime while on probation. Thus, the district court had the authority to revoke his probation without first imposing graduated sanctions. See K.S.A. 2022 Supp. 22-3716(c)(7)(C) (authorizing revocation without intermediate sanctions when "the offender commits a new felony or misdemeanor while the offender is on probation, assignment to a community correctional services program, suspension of sentence or nonprison sanction"); *State v. Tafolla*, 315 Kan. 324, 328, 508 P.3d 351 (2022) (once probation violation is established the district court has discretion to revoke probation unless otherwise limited by statute). He simply argues the district court abused its discretion by refusing to impose intermediate sanctions and reinstate his probation because Wilson "insisted that he did not possess a firearm" at the hearing.

But Wilson stipulated to violating his probation by committed the new crime of criminal possession of a firearm. And while his attorney argued that it was one firearm and not two, the district court noted that distinction was irrelevant since Wilson's possession of even one firearm was against the law because he was a convicted felon.

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). Wilson 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). Wilson fails to meet his burden.

Affirmed.