

NOT DESIGNATED FOR PUBLICATION

No. 126,213

IN THE COURT OF APPEALS OF THE STATE OF KANSAS

STATE OF KANSAS,
Appellee,

v.

BRUCE S. SPRINGSTEEN,
Appellant.

MEMORANDUM OPINION

Appeal from Douglas District Court; STACEY L. DONOVAN, judge. Submitted without oral argument. Opinion filed December 8, 2023. Affirmed.

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

Before HILL, P.J., MALONE and ATCHESON, JJ.

PER CURIAM: Bruce S. Springsteen appeals the Douglas County District Court's revocation of his probation. We granted Springsteen's unopposed motion for summary disposition under Supreme Court Rule 7.041A (2023 Kan. S. Ct. R. at 48). Finding no abuse of discretion by the district court, we affirm.

FACTUAL AND PROCEDURAL BACKGROUND

Pursuant to an agreement with the State, Springsteen pleaded no contest to three counts of attempted sexual exploitation of a child, a severity level 7 person felony. Consistent with the plea agreement, the district court sentenced Springsteen in March

2021 to a 12-month term of imprisonment on each count, with counts one and two to run consecutive and count three to run concurrent with them for a controlling term of 24 months and then placed him on probation for 24 months. As a condition of probation, Springsteen had to register as a sex offender for life. The district court also informed Springsteen that if he were sent to prison for violating his probation, he would be placed on lifetime postrelease supervision.

Probation did not go well for Springsteen. In January 2023, Springsteen pleaded no contest to a new charge of attempted sexual exploitation of a child. As part of Springsteen's plea, he stipulated that he violated the terms of his probation in this case and agreed to serve the sentences imposed on him. Accordingly, the district court revoked Springsteen's probation and sent him to prison for 24 months. Springsteen has timely appealed.

ANALYSIS

Springsteen asserts the district court abused its discretion by imposing his underlying prison sentences rather than reinstating his probation or reducing the controlling term of incarceration. When a district court determines a defendant has violated the terms of probation, the decision to revoke probation lies in the discretion of the district court, subject to a few statutory limitations. *State v. Tafolla*, 315 Kan. 324, 328, 508 P.3d 351 (2022). A district court abuses its discretion if its decision is based on an error of fact or law or is arbitrary, fanciful, or unreasonable. *State v. Levy*, 313 Kan. 232, 237, 485 P.3d 605 (2021). Springsteen bears the burden of establishing such abuse of discretion. See *State v. Crosby*, 312 Kan. 630, 635, 479 P.3d 167 (2021).

Here, the district court made no error of law or fact. Springsteen stipulated he had violated the terms of his probation by committing a new felony. The district court, therefore, could bypass any statutory sanctions and revoke Springsteen's probation. See

K.S.A. 2022 Supp. 22-3716(c)(7)(C) (court may revoke probation without having previously imposed sanction if offender commits new felony while on probation). The district court acted well within its statutory authority and judicial discretion in revoking Springsteen's probation and imposing his underlying sentences. We are persuaded other district courts would have come to the same conclusion in similar circumstances, especially because Springsteen, after being placed on probation, repeated the same sort of serious criminal conduct that led to his prosecution and conviction in this case.

Affirmed.