

NOT DESIGNATED FOR PUBLICATION

No. 125,526

IN THE COURT OF APPEALS OF THE STATE OF KANSAS

STATE OF KANSAS,
Appellee,

v.

DARREN L. PRUITT JR.,
Appellant.

MEMORANDUM OPINION

Appeal from Sedgwick District Court; BRUCE C. BROWN, judge. Opinion filed April 21, 2023.
Affirmed.

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

Before MALONE, P.J., GREEN and CLINE, JJ.

PER CURIAM: Darren L. Pruitt Jr. appeals the district court's revocation of his probation. We granted Pruitt's unopposed motion for summary disposition under Kansas Supreme Court Rule 7.041A (2023 Kan. S. Ct. R. at 48). Based on our review of the record, we find no error and affirm.

After pleading no contest to three severity level 7 person felonies, Pruitt received a dispositional departure sentence of 24 months' probation. In granting Pruitt probation, the district court suspended Pruitt's sentence of 60 months in prison and 12 months of postrelease supervision.

A few months after sentencing, the State filed a probation violation warrant against Pruitt and asked the district court to revoke Pruitt's probation. The warrant alleged that Pruitt tested positive for fentanyl, possessed marijuana, violated his curfew, and drove without a valid driver's license. Pruitt stipulated that he violated his probation by testing positive for fentanyl and failing to abide by his curfew. He, however, contested the other violation allegations. Pruitt signed a waiver of his right to a hearing on the two stipulated violations and agreed to serve a 48-hour jail sanction.

The district court held a hearing to consider the State's allegations. There, Pruitt asked the district court to impose another sanction and continue his probation. Ultimately, however, the district court found that Pruitt's criminal history and behavior while on probation revealed that he lacked an honest willingness to resolve his addiction problems. The district court thus revoked Pruitt's probation and imposed his underlying sentence.

On appeal, Pruitt claims the district court abused its discretion in revoking his probation. A district court abuses its discretion if its decision is based on an error of fact or law or if no reasonable person would agree with its decision. *State v. Levy*, 313 Kan. 232, 237, 485 P.3d 605 (2021). Pruitt has the burden to prove that such an abuse occurred, but he provides no basis for his claim. See *State v. Tafolla*, 315 Kan. 324, 332, 508 P.3d 351 (2022). That is, he does not identify any factual or legal error, nor does he explain why he believes the court acted unreasonably.

The record shows that Pruitt received a dispositional departure sentence, so the court had the legal authority to revoke his probation. See K.S.A. 2022 Supp. 22-3716(c)(7)(B); *State v. Brown*, 51 Kan. App. 2d 876, 879-80, 357 P.3d 296 (2015). We find no factual error and, under the circumstances, we cannot say that no reasonable person would agree with the district court's conclusions that Pruitt's actions had shown he was not amenable to probation.

Affirmed.