

NOT DESIGNATED FOR PUBLICATION

Nos. 125,702  
125,703

IN THE COURT OF APPEALS OF THE STATE OF KANSAS

STATE OF KANSAS,  
*Appellee,*

v.

ALESHA VALENTINA REAVIS,  
*Appellant.*

MEMORANDUM OPINION

Appeal from McPherson District Court; JOHN B. KLEND, judge. Opinion filed July 21, 2023.  
Affirmed.

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

Before ARNOLD-BURGER, C.J., MALONE and SCHROEDER, JJ.

PER CURIAM: Alesha Valentina Reavis appeals the district court's revocation of her probation in two separate cases. Reavis seeks summary disposition of her appeal under Kansas Supreme Court Rule 7.041A (2023 Kan. S. Ct. R. at 48). The State has not responded. Finding no error, we affirm the district court's judgment.

On March 26, 2021, Reavis pled no contest to trafficking contraband in a correctional institution/, possession of methamphetamine, criminal possession of a firearm, and five other misdemeanor offenses in McPherson County case No. 20CR58 (Case 1). On that same date, Reavis pled no contest to criminal possession of a firearm and driving while suspended in McPherson County case No. 20CR111 (Case 2). In

exchange for her plea, the State agreed that it would not oppose Reavis' motion for dispositional departure to probation. On June 2, 2012, the district court sentenced Reavis to consecutive terms of 30 months' imprisonment in Case 1 and 14 months' imprisonment in Case 2, for a controlling sentence of 44 months' imprisonment. The district court granted Reavis' motion for dispositional departure and placed her on probation for 24 months in Case 1 and 18 months on Case 2.

On October 26, 2021, the State moved to revoke Reavis' probation in both cases. The State alleged that Reavis used marijuana and consumed alcohol, failed to report, and moved residences without notifying her corrections officer. On September 23, 2022, Reavis stipulated to the violations, and she requested that the district court extend her probation and release her to inpatient treatment for substance abuse. She explained that she moved residences to escape an abusive relationship, and she noted that she had completed probation in a prior case. The district court denied Reavis' request. It revoked Reavis' probation and ordered her to serve her original sentence in each case. Reavis timely appealed, and the cases have been consolidated on appeal.

In her motion for summary disposition, Reavis argues the district court erred by revoking her probation. Reavis argues that she had previously completed probation in a prior case and that she had the proper resources to again complete her probation.

Reavis does not dispute that the district court was within its discretion to revoke her probation. See K.S.A. 2022 Supp. 22-3716(c)(7)(B) (authorizing revocation without intermediate sanctions when the probation term was originally granted because of a dispositional departure); *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.). Because the district court was statutorily authorized to revoke Reavis' probation, an appellate court reviews that decision for an abuse of discretion. See *Tafolla*, 315 Kan. at 328. 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). Reavis bears the burden of showing the district court abused its discretion. See *State v. Crosby*, 312 Kan. 630, 635, 479 P.3d 167 (2021).

The district court considered Reavis' request to receive substance abuse treatment, but the district court found that Reavis did not take advantage of the resources already available to her on probation. The district court noted that Reavis had several prior convictions, and the district court took a chance by granting her probation. Thus, the district concluded that Reavis was not amenable to another chance at probation. Reavis has failed to show the district court abused its discretion when it revoked her probation.

Affirmed.