



02/27/84 ANDERSON v. STATE

316 S.E.2d 166 (1984) | Cited 0 times | Court of Appeals of Georgia | February 27, 1984

The defendant appeals an order revoking two years of the remaining term of his probated sentence.
Held

1. It is contended that defendant's constitutional rights were violated because the evidence did not sustain the probation revocation beyond a reasonable doubt.

This court and the Georgia Supreme Court, whose decisions are binding upon us, have often reaffirmed the legal maxim that the quantum of proof sufficient to justify a revocation of probation is less than that required to sustain conviction in the first instance. Thus, in such proceeding it is unnecessary that the evidence support the findings beyond a reasonable doubt. *Robinson v. State*, 154 Ga. App. 591, 593 (269 S.E.2d 86); *Johnson v. State*, 214 Ga. 818 (108 S.E.2d 313). As stated in *Baltimore v. State*, 165 Ga. App. 741 (2) (302 S.E.2d 427): "There is no merit in the defendant's contention that the trial court erred in applying a constitutionally defective 'slight evidence' standard of proof in determining whether defendant had violated the conditions of the probation." Accord, *Johnson v. State*, 240 Ga. 526 (242 S.E.2d 53); *State v. Brinson*, 248 Ga. 380 (2) (283 S.E.2d 463).

2. Applying the evidentiary standard enunciated by our courts the judgment was authorized by the evidence.

Judgment affirmed.

