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**IN THE
COURT OF APPEALS OF INDIANA**

MARIE YANEZ,)

Appellant-Defendant,)

vs.)

STATE OF INDIANA,)

Appellee-Plaintiff.)

No. 71A05-0611-CR-655

APPEAL FROM THE ST. JOSEPH SUPERIOR COURT
The Honorable John M. Marnocha, Judge
Cause No. 71D02-0506-FA-32 and Cause No. 71D02-0506-FB-50

March 7, 2007

MEMORANDUM DECISION - NOT FOR PUBLICATION

BAILEY, Judge

Case Summary

Appellant-Defendant Marie Yanez (“Yanez”) appeals the aggregate twenty-year sentence imposed upon her following her pleas of guilty to two counts of Dealing in Cocaine, one as a Class A felony, and one as a Class B felony.¹ We affirm.

Issue

Yanez presents a single issue for review: whether her sentence is inappropriate.

Facts and Procedural History

On June 10, 2005, in Cause No. 71D02-0506-FB-50, the State charged Yanez with Possession of Marijuana, as a Class D felony,² and Dealing in Cocaine, as a Class B felony,³ for acts allegedly committed on November 8, 2004 (“Cause FB-50”). On June 13, 2005, in Cause No. 71D02-0506-FA-32, the State charged Yanez with Dealing in Cocaine as a Class A felony, Possession of Cocaine as a Class C felony,⁴ and Possession of Marijuana, as a Class D felony, for acts allegedly committed on June 10, 2005 (“Cause FA-32”).

On June 26, 2006, Yanez pleaded guilty to Dealing in Cocaine as a Class A felony in Cause FA-32 and Dealing in Cocaine as a Class B felony in Cause FB-50. The remaining charges were dismissed, pursuant to the plea agreement between Yanez and the State.

On September 6, 2006, the trial court sentenced Yanez to twenty years for the Class A felony and ten years for the Class B felony, to be served concurrently. This consolidated appeal ensued.

¹ Ind. Code § 35-48-4-1.

² Ind. Code § 35-48-4-11.

³ Ind. Code § 35-48-4-1.

Discussion and Decision

Yanez contends that her sentence is inappropriate. Indiana Appellate Rule 7(B) provides that we “may revise a sentence authorized by statute if, after due consideration of the trial court’s decision, [we find] that the sentence is inappropriate in light of the nature of the offense and the character of the offender.”

The offense of Dealing in Cocaine as a Class A felony was committed after the enactment of the current advisory sentencing scheme, effective April 25, 2005. The offense of Dealing in Cocaine as a Class B felony was committed during the former sentencing scheme.

Indiana Code Section 35-50-2-4 provides in pertinent part, “A person who commits a Class A felony shall be imprisoned for a fixed term of between twenty (20) and fifty (50) years, with the advisory sentence being thirty (30) years.” As Yanez received a twenty-year sentence for her Class A felony offense, she received the statutory minimum. At the time Yanez committed Dealing in Cocaine as a Class B felony, the presumptive sentence for a Class B felony was ten years. See Ind. Code § 35-50-2-5. Thus, Yanez received the presumptive sentence for her Class B felony offense.

Because the sentences are concurrent, Yanez received an aggregate sentence of twenty years. Indiana Code Section 35-50-2-4 prohibits a lesser aggregate sentence. We may not revise a sentence to a term below the statutory minimum.

⁴ Ind. Code § 35-48-4-6.

Yanez suggests in her argument summary that the trial court should have ordered a portion of her sentence suspended, but does not develop a corresponding argument. The trial court's decision not to suspend a sentence is reviewable only for an abuse of discretion. Ables v. State, 848 N.E.2d 293, 296 (Ind. Ct. App. 2006). See also Morgan v. State, 675 N.E.2d 1067, 1074 (Ind. 1996) (observing that a decision on sentence suspension will be set aside "only upon a showing that the trial court abused its discretion"). An abuse of discretion occurs if "the decision is clearly against the logic and effect of the facts and circumstances." Ables, 848 N.E.2d at 296 (citing Pierce v. State, 705 N.E.2d 173, 175 (Ind. 1998)). As Yanez developed no argument concerning sentence suspension, she has wholly failed to demonstrate an abuse of the trial court's sentencing discretion in this regard.

Affirmed.

VAIDIK, J., and BARNES, J., concur.