



Michael Ray Hiser (“Hiser”) was convicted by a jury in Floyd Superior Court of Class C felony battery resulting in serious bodily injury and sentenced to a maximum term of eight years with an eight-year enhancement due to his habitual offender status. Hiser appeals, arguing that his sentence is inappropriate in light of the character of the offender and nature of the offense. We affirm.

### **Facts and Procedural History**

On November 20, 2005, Teresa Gribbons (“Gribbons”) finished working her shift as a licensed practical nurse around midnight. She called her ex-boyfriend Hiser’s home, trying to reach his roommate Brandon. When no one answered, Gribbons went to a local karaoke bar. Roughly two hours later, she drove to Hiser’s house.

Hiser answered the door, screamed profanities at Gribbons, and told her to leave. Gribbons could see two women she did not know inside the house. When Hiser attempted to close the door, Gribbons pushed the door back open. She then turned to leave and one of the women came out onto the porch and punched Gribbons in the stomach. The two then struggled on the ground. Hiser came out of the house, straddled Gribbons, and punched her in the face four times. He then threw her off the porch and onto the sidewalk. Gribbons suffered a hairline fracture to her maxilla, bruising, and facial swelling.

On November 20, 2005, the State charged Hiser with Class B felony aggravated battery. On March 1, 2006, the State amended the charge to Class C felony battery resulting in serious bodily injury and added a habitual offender charge. A jury trial commenced on March 8, 2006, and the jury convicted Hiser of Class C felony battery and

found that he was a habitual offender. The trial court sentenced Hiser to eight years for battery with an eight-year habitual offender enhancement. Hiser appeals his sentence.

### **Discussion and Decision**

Hiser contends that his aggregate sixteen-year sentence is inappropriate. Appellate courts have the constitutional authority to revise a sentence if, after consideration of the trial court's decision, the court concludes the sentence is inappropriate in light of the nature of the offense and character of the offender. Ind. Appellate Rule 7(B) (2007), Marshall v. State, 832 N.E.2d 615, 624 (Ind. Ct. App. 2005), trans. denied.

As to the nature of the offense, the record indicates that Hiser is over six feet tall and weighed 190 pounds when he repeatedly struck a 103-pound victim in the face as she lay on the ground. As to Hiser's character, we also note that Hiser has a significant criminal history including three prior convictions of battery as a misdemeanor and felony convictions for intimidation, theft, and possession of cocaine. His sentence is not inappropriate.

Affirmed.

NAJAM, J., and MAY, J., concur.