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ATTORNEY FOR APPELLANT:

BRIAN J. JOHNSON
Brownsburg, Indiana

ATTORNEYS FOR APPELLEE:

GREGORY F. ZOELLER
Attorney General of Indiana
Indianapolis, Indiana

MICHAEL GENE WORDEN
Deputy Attorney General
Indianapolis, Indiana

IN THE
COURT OF APPEALS OF INDIANA

JOHN M. EVANS,	)	
	)	
Appellant-Defendant,	)	
	)	
vs.	)	No. 47A01-0812-CR-588
	)	
STATE OF INDIANA,	)	
	)	
Appellee-Plaintiff.	)	

APPEAL FROM THE LAWRENCE SUPERIOR COURT
The Honorable William G. Sleva, Judge
Cause No. 47D02-0607-FD-567

AUGUST 4, 2009

MEMORANDUM DECISION - NOT FOR PUBLICATION

BARTEAU, Senior Judge

John Evans appeals the sentence imposed after he pleaded guilty to operating a vehicle while intoxicated with a prior conviction within five years as a class D felony. We affirm.

The sole issue for our review is whether Evans' two and one-half year sentence is inappropriate.

In December 2006, Evans pleaded guilty to operating while intoxicated with a prior conviction as a class D felony. Pursuant to the terms of the plea agreement, Evans was placed under the supervision of the O.V.W.I. Drug Court, and sentencing was continued from 24 to 36 months, subject to Evan's compliance with the Drug Court's rules. The Drug Court includes more intensive supervision than a term of probation, and a defendant who successfully completes the Drug Court's program will have his felony conviction reduced to a misdemeanor.

Two years later, after numerous rules violations and sanctions, the Director of the Drug Court filed a motion to terminate Evans from the Drug Court program. After Evans admitted the allegations in the motion to terminate, the court entered a judgment of conviction for operating while intoxicated as a D felony and held a sentencing hearing. Testimony at this hearing revealed that during the two years that he participated in the Drug Court program, Evans showed a consistent pattern of dishonesty and noncompliance with Drug Court rules. For example, Evans engaged in unauthorized activities during his time away from home, did not notify the Drug Court that he lost his job, and did not notify the Drug Court the he no longer had phone service. Following the

sentencing hearing, the trial court sentenced Evans to two and one-half years in the Lawrence County Jail. Evans appeals the appropriateness of his sentence.

When reviewing a sentence imposed by the trial court, we "may revise a sentence authorized by statute if, after due consideration of the trial court's decision, the Court finds that the sentence is inappropriate in light of the nature of the offense and the character of the offender. Ind. Appellate Rule 7(b).

Here, with regard to the character of the offender, Evans has a criminal history that includes a 2003 conviction for operating while intoxicated. In addition, while participating in the Drug Court Program, Evans continued to drink alcohol, and showed a continuing pattern of dishonesty and noncompliance with Drug Court rules. Evans' prior contacts with the law have not caused him to reform himself.

With regard to the nature of the offense, Evans' prior alcohol-related conviction shows a pattern of alcohol-related criminal behavior. *See Ruiz v. State*, 818 N.E.2d 927, 929 (Ind. 2004) (holding that the significance of prior criminal history varies based on the gravity, nature, and number of prior offenses as they relate to the current offense).

Based upon our review of the evidence, we see nothing in the character of this offender or in the nature of this offense that would suggest that Evans' sentence is inappropriate.

Affirmed.

BARNES, J., and BAILEY, J., concur.