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FILED
Aug 09 2011, 9:35 am
CLERK
of the supreme court, court of appeals and tax court

ATTORNEY FOR APPELLANT:

ADAM C. SQUILLER
Squiller Law Office, P.C.
Auburn, Indiana

ATTORNEYS FOR APPELLEE:

GREGORY F. ZOELLER
Attorney General of Indiana

CYNTHIA L. PLOUGHE
Deputy Attorney General
Indianapolis, Indiana

IN THE
COURT OF APPEALS OF INDIANA

JAMES HUNTER,	)	
	)	
Appellant-Defendant,	)	
	)	
vs.	)	No. 17A03-1102-CR-106
	)	
STATE OF INDIANA,	)	
	)	
Appellee-Plaintiff.	)	

APPEAL FROM THE DEKALB SUPERIOR COURT
The Honorable Monte L. Brown, Judge
Cause No. 17D02-1003-FB-14

August 9, 2011

MEMORANDUM DECISION - NOT FOR PUBLICATION

FRIEDLANDER, Judge

James Hunter pleaded guilty to Dealing in Methamphetamine,[1] a class B felony. Following his guilty plea the trial court sentenced Hunter to twenty years imprisonment, the statutory maximum. Hunter appeals his sentence presenting the following restated issue for review: Is Hunter's sentence inappropriate?

We affirm.

On March 9, 2010, the State charged Hunter with dealing in methamphetamine. On January 10, 2011, Hunter pleaded guilty to dealing in methamphetamine pursuant to a plea agreement that left sentencing to the discretion of the trial court. In conjunction with his guilty plea, Hunter admitted that on October 15, 2009, he sold .36 of a gram of methamphetamine.

At the sentencing hearing, Hunter asked the court to consider the nonviolent nature of the offense, his drug addiction, his guilty plea, and ongoing efforts to readjust the sentencing guidelines as mitigators. In sentencing Hunter, the trial court determined that Hunter's repeated failures at pursuing help for his addiction negated any weight given to his addiction as a mitigating circumstance, and that the uncertainty of the readjustments to sentencing prevented prospective consideration of such changes. The trial court considered Hunter's criminal history, noting that Hunter had accumulated twenty-four charges and twenty-nine convictions in the previous fifteen years and had several probation and parole violations. The trial court then sentenced Hunter to the maximum term of twenty years imprisonment.

[1] Ind. Code Ann. § 35-48-4-1.1 (West, Westlaw through 2011 Pubs. Laws approved and effective through 06/28/2011).

See Ind. Code Ann. § 35-50-2-5 (West, Westlaw through 2011 Pubs. Laws approved and effective through 06/28/2011).

Hunter challenges his sentence as inappropriate under Ind. Appellate Rule 7(B), which provides that the "Court 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." "We recognize, however, the special expertise of the trial courts in making sentencing decisions; thus, we exercise with great restraint our responsibility to review and revise sentences." *Scott v. State*, 840 N.E.2d 376, 381 (Ind. Ct. App. 2006). Moreover, the burden is on Hunter to persuade us that his sentence is inappropriate. *Childress v. State*, 848 N.E.2d 1073 (Ind. 2006).

Hunter contends the maximum sentence is inappropriate in light of the nature of the offense and his character. Hunter argues that his actions were no worse than the average episode of dealing in methamphetamine and perhaps less egregious. Hunter asserts that he sold only a small quantity of methamphetamine and that because the buyer worked for the police, it is unlikely the methamphetamine was ingested. Hunter further argues that although he has a lengthy criminal history it consists mainly of class D felonies and misdemeanors and this is his first "major felony." *Appellant's Brief* at 11.

We agree with Hunter that there is nothing particularly egregious about the nature of this offense. Hunter's character, however, is of particular concern. As noted by the trial court, Hunter has accumulated twenty-nine convictions over the past fifteen years for offenses such as driving while suspended, burglary, sexual assault, reckless driving, resisting law enforcement, criminal recklessness with a vehicle, criminal conversion, possession of

marijuana, possession of a switchblade knife, and operating while being a habitual traffic violator, just to name a few. Hunter has clearly demonstrated that he cannot abide by the rules of society. In addition to persistent violations of the law, Hunter has failed to abide by the rules of his probation and the conditions of his parole. The fact that this is his first "major felony" merely reflects that Hunter's chronic and long standing criminal behavior is escalating in severity. Hunter thus presents an increasing danger to the community at large, and we perceive no indication of any intention on his part of adjusting his course. In light of Hunter's persistent inability to live a law-abiding life, the maximum twenty-year sentence imposed by the trial court was not inappropriate.

Judgment affirmed.

DARDEN, J., and VAIDIK, J., concur.