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**IN THE
COURT OF APPEALS OF INDIANA**

ANTHONY BEAN,)

Appellant-Defendant,)

vs.)

STATE OF INDIANA,)

Appellee-Plaintiff.)

No. 45A03-0704-CR-153

APPEAL FROM THE LAKE SUPERIOR COURT
The Honorable Thomas Stefaniak, Judge
Cause No. 45G04-0603-FA-0019

October 31, 2007

MEMORANDUM DECISION– NOT FOR PUBLICATION

BAKER, Chief Judge

Appellant-defendant Anthony Bean appeals the thirteen-year sentence that was imposed following his guilty plea to Dealing in Cocaine,¹ a class B felony. Specifically, Bean argues that the sentence is inappropriate in light of the nature of the offense and his character. Finding no error, we affirm the judgment of the trial court.

FACTS

On March 16, 2006, Bean delivered 1.66 grams of cocaine to a confidential informant in Gary. After Bean participated in other cocaine sales, members of the Gary Narcotics Squad executed a search warrant at Bean's residence on March 21, 2006, and discovered drug paraphernalia, guns, and 86.38 grams of cocaine.

Thereafter, the State charged Bean with dealing in cocaine, a class A felony, three counts of dealing in cocaine as a class B felony,² and maintaining a common nuisance, a class D felony. The State also sought an additional fixed term of imprisonment because Bean used a firearm in a controlled substance offense.³ Bean signed a written plea agreement, which provided that he would plead guilty to one count of class B felony dealing in cocaine and that his sentence would be capped at thirteen years.⁴ In exchange, the State agreed to dismiss the

¹ Ind. Code § 35-48-4-2(a)(1)(C).

² The dealing in cocaine charges stemmed from drug transactions that Bean participated in between March 16, 2006, and March 21, 2006. Appellant's App. p. 8.

³ Ind. Code § 35-50-2-13.

⁴ Indiana Code section 35-50-2-5 provides in relevant part that "a person who is convicted of a class B felony shall be imprisoned for a fixed term of between six (6) and twenty (20) years, with the advisory sentence being ten (10) years."

remaining counts.⁵

The trial court accepted the plea agreement, and Bean was sentenced to thirteen years of incarceration. He now appeals.

DISCUSSION AND DECISION

Bean's sole argument is that the sentence imposed by the trial court is inappropriate in light of the nature of the offense and his character pursuant to Appellate Rule 7(B). In reviewing a Rule 7(B) appropriateness challenge, we defer to the trial court. Stewart v. State, 866 N.E.2d 858, 866 (Ind. Ct. App. 2007). The burden is on the defendant to persuade us that his sentence is inappropriate. Childress v. State, 848 N.E.2d 1073, 1080 (Ind. 2006).

We turn first to the nature of the offense. Although we note that the remaining counts were dismissed in accordance with the plea agreement, the evidence showed that the police seized drug paraphernalia, guns, and additional cocaine from Bean's residence. Appellant's App. p. 34. Hence, Bean's nature of the offense argument does not aid his inappropriateness claim.

In examining Bean's character, the record demonstrates that he has a lengthy criminal history. Bean's criminal record commenced in 1991, when he was placed in the Indiana Boys' School (Boys' School) for possession of a firearm without a permit. Tr. p. 24. In 1994, while still a juvenile, Bean was found in possession of cocaine and was again placed in Boys' School. Id. Bean's adult criminal history consists of at least seven misdemeanor

⁵ The plea agreement also referred to an unrelated case in which Bean was charged with carrying a handgun without a license, a class C felony. Appellant's App. p. 30. This charge was also dismissed under the plea agreement. Id. at 32.

convictions and three felony convictions for cocaine possession. Id. at 24-26. Despite such repeated run-ins with the law, it is readily apparent that Bean has not been deterred from criminal conduct. Moreover, Bean has demonstrated a pattern of involvement in the drug trade, and prior leniency and short sentences have been to no avail. Thus, after analyzing the nature of the offense and Bean's character, we do not find the thirteen-year sentence inappropriate.

The judgment of the trial court is affirmed.

MAY, J., and CRONE, J., concur.