Pursuant to Ind. Appellate Rule 65(D), this Memorandum Decision shall not be regarded as precedent or cited before any court except for the purpose of establishing the defense of res judicata, collateral estoppel, or the law of the case.

ATTORNEY FOR APPELLANT:

JEFF SHOULDERS Barber & Shoulders, LLP Evansville, Indiana ATTORNEYS FOR APPELLEE:

GREGORY F. ZOELLER Attorney General of Indiana

MELLISICA K. FLIPPEN Deputy Attorney General Indianapolis, Indiana

IN THE COURT OF APPEALS OF INDIANA

CARL JAY COOPER, JR.,

Appellant-Defendant,

vs.

STATE OF INDIANA,

Appellee-Plaintiff.

No. 82A01-0910-CR-511

APPEAL FROM THE VANDERBURGH SUPERIOR COURT The Honorable Mary Margaret Lloyd, Judge Cause No. 82D02-0907-FC-650

May 17, 2010

MEMORANDUM DECISION - NOT FOR PUBLICATION

KIRSCH, Judge



Carl Jay Cooper, Jr. pleaded guilty to battery¹ as a Class C felony and was sentenced to eight years executed. He appeals, arguing that his sentence was inappropriate in light of the nature of the offense and character of the offender. We affirm.

On July 10, 2009, Cooper went to the home of Shannon McCaffry and Ty Deforest, armed with a baseball bat, and informed Shannon that he was going to hit Ty with the baseball bat. She tried to get him to leave, and Cooper shoved her to the ground and hit her two to three times in the back with the bat. Ty came out to help Shannon, and Cooper struck him in the head five or six times with the bat. Cooper was charged with two counts of Class C felony battery, and was sentenced to eight years executed after pleading guilty to one count. He now appeals.

Appellate courts may revise a sentence after careful review of the trial court's decision if they conclude that the sentence is inappropriate based on the nature of the offense and the character of the offender. Ind. Appellate Rule 7(B). Here, the nature of the offense was violent and involved an unprovoked attack in which Cooper repeatedly hit one person in the back and the other in the head with a baseball bat. As to his character, Cooper, who was only twenty-seven, had an extensive criminal history, which consisted of one juvenile adjudication, eight misdemeanor convictions, and three felony convictions. We therefore conclude that Cooper's eight-year executed sentence was not inappropriate. Affirmed.

FRIEDLANDER, J., and ROBB, J., concur.

¹ See Ind. Code § 35-42-2-1(a)(3).