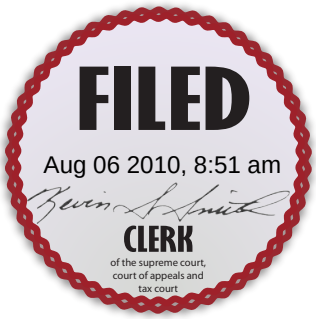

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IN THE
COURT OF APPEALS OF INDIANA

CRYSTAL SUMMERLOT,	)	
	)	
Appellant-Defendant,	)	
	)	
vs.	)	No. 85A02-1002-CR-303
	)	
STATE OF INDIANA,	)	
	)	
Appellee-Plaintiff.	)	

APPEAL FROM THE WABASH CIRCUIT COURT
The Honorable Robert R. McCallen III, Judge
Cause No. 85C01-0808-FC-99

August 6, 2010

MEMORANDUM DECISION - NOT FOR PUBLICATION

BRADFORD, Judge

Following a jury trial, Appellant-Defendant Crystal Summerlot was convicted of two counts of Class C felony Dealing in a Schedule IV Controlled Substance,[1] for which she received an aggregate advisory sentence of four years in the Department of Correction with one and one-half years suspended to probation. Upon appeal, Summerlot contends that her sentence is inappropriate in light of the nature of her offenses and her character. We affirm.

FACTS AND PROCEDURAL HISTORY

Following his February 19, 2008 drug overdose, Joshua Napier contacted authorities, indicated that Summerlot would sell him drugs, and agreed to serve as a confidential informant ("CI") for the Wabash County Drug Task Force. On April 17, 2008, Napier, acting as a CI, purchased five Soma carisoprodol pills from Summerlot at her home in Lagro. Carisoprodol is a Schedule IV controlled substance. Again on June 11, 2008, Napier purchased six Soma carisoprodol pills from Summerlot at her home. At the time of the June 11 transaction, Summerlot, who had six children, was pregnant. At least some of Summerlot's children were in her home at the time of both transactions.

On August 29, 2008, the State charged Summerlot with two counts of Class C felony dealing in a schedule IV controlled substance. Following a January 14 and 15, 2010 jury trial, in which Summerlot admitted to having given Napier pills but claimed to have done so under duress, the jury found her guilty as charged. In sentencing Summerlot to concurrent advisory four-year sentences on each count, with one and one-half years suspended to probation on each, the trial court was particularly concerned with

[1] Ind. Code § 35-48-4-3(a)(1) (2007).

the fact that Summerlot had engaged in the instant drug transactions in front of her children. This appeal follows.

DISCUSSION AND DECISION

Upon appeal, Summerlot claims that Napier—not she—initiated the transactions at issue and points to the facts that she has seven young children and no criminal history in support of her request for a minimum sentence.

Article VII, Sections 4 and 6 of the Indiana Constitution "'authorize[] independent appellate review and revision of a sentence imposed by the trial court.'" *Anglemyer v. State*, 868 N.E.2d 482, 491 (Ind. 2007) (quoting *Childress v. State*, 848 N.E.2d 1073, 1080 (Ind. 2006) (emphasis and internal quotations omitted)). Such appellate authority is implemented through Indiana 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 exercise deference to a trial court's sentencing decision, both because Rule 7(B) requires that we give "due consideration" to that decision and because we recognize the unique perspective a trial court has when making sentencing decisions. *Stewart v. State*, 866 N.E.2d 858, 866 (Ind. Ct. App. 2007). It is the defendant's burden to demonstrate that her sentence is inappropriate. *Childress*, 848 N.E.2d at 1080.

The nature of Summerlot's offenses involved dealing drugs in front of her young children, exposing them not only to criminal activity in their own home but also—by her own admission—to dangerous persons, also in their own home. We have little question

that Summerlot's young children need her, but they need her to be a responsible and law-abiding parent.

The fact that Summerlot continues to place a large part of the blame for her actions on Napier, even after the jury rejected her duress argument, does not reflect highly upon her character, nor does it suggest that she is willing to accept responsibility for her actions or is motivated to improve her life for the sake of her many children. While Summerlot's lack of criminal history is notable, it does not alter her serious lapses in judgment in the instant case. With so many young and impressionable lives hanging in the balance, we are unpersuaded that Summerlot's repeated willingness to place these lives at risk is somehow minimal or warrants a reduced sentence.

The judgment of the trial court is affirmed.

DARDEN, J., and BROWN, J., concur.