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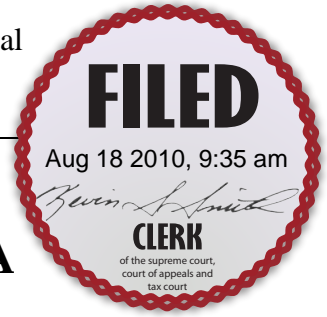
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**IN THE
COURT OF APPEALS OF INDIANA**

RYAN HADE,)
)
 Appellant-Defendant,)
)
 vs.)
)
 STATE OF INDIANA,)
)
 Appellee-Plaintiff.)

No. 02A05-1002-CR-102

APPEAL FROM THE ALLEN SUPERIOR COURT
The Honorable John F. Surbeck, Jr., Judge
Cause No. 02D04-0808-FB-135

August 18, 2010

MEMORANDUM DECISION – NOT FOR PUBLICATION

MATHIAS, Judge

Ryan Hade (“Hade”) pleaded guilty to one count of Class B felony robbery, three counts of Class B felony criminal confinement, one count of Class B felony unlawful possession of a firearm by a serious violent felon, and one count of Class B felony resisting law enforcement. The trial court sentenced Hade to an aggregate term of fifty-five years. Hade appeals and argues that the sentence is inappropriate in light of the nature of the offense and the character of the offender.

We affirm.

Facts and Procedural History

On August 7, 2008, Cardia Senter, Gavin Gibson, and Hade broke into the home of Robert and Jerry Boucher, a married couple in their seventies, claiming that it was a police drug raid. Hade held a gun to Robert’s face and demanded to know the location of drugs and money. Robert was tied up with a belt, Jerry was tied up in the bathroom, and a third person was also tied up.

Hade and the other two accomplices did not find any drugs but did take a money-filled container and a number of other items. They then fled in an SUV driven by Hade. He failed to stop at a stop sign and nearly struck a police car. While fleeing from the police, Hade struck a tree and crashed into another house. Senter fled the scene, leaving Hade behind the wheel of the vehicle. Gibson was found lying on the ground with severe injuries. He was later pronounced dead at the hospital.

Hade was arrested and charged with Class B felony robbery, three counts of Class B felony criminal confinement, Class B felony unlawful possession of a firearm by serious violent felon, Class B felony resisting law enforcement, Class B felony operating

a vehicle while intoxicated, and was alleged to be a habitual offender. On May 27, 2009, the day of trial, Hade pleaded guilty to Class B felony robbery, three counts of Class B felony criminal confinement, Class B felony unlawful possession of a firearm by a serious violent felon, and Class B felony resisting law enforcement, with sentencing left to the trial court's discretion.

On January 25, 2010, the trial court sentenced Hade to fifteen years on each of the three Class B felony confinement convictions, to be served consecutively; ten years for the Class B felony resisting law enforcement to be served consecutively; ten years on the Class B felony robbery to be served concurrently to the other sentences, and ten years for the Class B felony unlawful possession conviction to be served concurrently to the other sentences for an aggregate fifty-five year sentence. Hade now appeals.

Discussion and Decision

Hade argues that his fifty-five year aggregate sentence, specifically the three fifteen-year sentences for Class B felony criminal confinement, is inappropriate under Indiana Appellate Rule 7(B), which provides: "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." In Anglemyer v. State, 868 N.E.2d 482, 494 (Ind. 2007), our supreme court explained:

It is on this basis alone that a criminal defendant may now challenge his or her sentence where the trial court has entered a sentencing statement that includes a reasonably detailed recitation of its reasons for imposing a particular sentence that is supported by the record, and the reasons are not improper as a matter of law, but has imposed a sentence with which the defendant takes issue.

“[A] defendant must persuade the appellate court that his or her sentence has met the inappropriateness standard of review.” Id.

The nature of the crime is particularly egregious. Hade and two accomplices broke into the home of an elderly couple, claiming that they were conducting a police raid for drugs. Hade threatened the couple and a guest with a gun. The victims were tied up and separated as Hade and the two accomplices searched the house for drugs and money. After they fled the house, Hade drove the vehicle as they attempted to flee police. Hade eventually drove the vehicle into another house, causing serious damage to the house and killing his accomplice, Gibson. The nature of the crime clearly supports Hade’s fifty-five year sentence.

Hade’s character also easily supports his fifty-five year sentence. Since 1991, Hade been the subject of four juvenile adjudications, one misdemeanor conviction, and eleven felony convictions. Hades’ juvenile adjudications were two true findings of theft and two true findings of forgery. Hade was convicted of his only misdemeanor, leaving the scene of an accident, in 1992. He followed that conviction with eleven felony convictions including, two Class D felony convictions for receiving stolen property, one Class D felony auto theft conviction, one Class C felony auto theft conviction, one Class D felony conviction for receiving stolen auto parts, two Class B felony convictions for burglary, two Class D felony felony convictions for residential entry, and two Class D felony convictions for resisting law enforcement. Hade’s behavior shows a seriously violent demeanor and a complete disdain for peaceful, civil society. Although Hade cooperated with police regarding the identity of the third accomplice, Senter, his

cooperation was minimal at best and merely corroborated the State's evidence. Hade's character supports the fifty-five year sentence.

The nature of the offense and the character of the offender support Hade's fifty-five year sentence.

Affirmed.

RILEY, J., and BRADFORD, J., concur.