

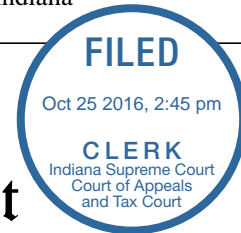
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**In the  
Indiana Supreme Court**



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No. 15S04-1610-CR-555

VICTOR KARP,

*Appellant (Defendant below),*

v.

STATE OF INDIANA,

*Appellee (Plaintiff below).*

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Appeal from the Dearborn Superior Court, No. 15D01-1412-F4-71  
The Honorable Jonathan N. Cleary, Judge

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On Petition to Transfer from the Indiana Court of Appeals, No. 15A04-1601-CR-32

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**October 25, 2016**

**Per Curiam.**

After declining to plead guilty and receive a sentence capped at twenty years, Victor Karp was convicted by a jury of Level 4 felony burglary and was found to be a habitual offender. The trial court sentenced Karp to an aggregate term of twenty-four years. Karp appealed, contending among other things that the trial court abused its discretion in sentencing him. Specifically, Karp argued the trial court sentenced Karp more harshly because he exercised his constitutional right to a jury trial.

The Court of Appeals affirmed Karp’s conviction and sentence. Karp v. State, No. 15A04-1601-CR-32 (Ind. Ct. App. 2016). In so doing, the court found Karp’s sentencing argument “specious and not supported by cogent reasoning.” Id. at 6. While we agree with our colleagues’ ultimate resolution of the sentencing issue and the case as a whole, we do not share their assessment of Karp’s sentencing argument. Accordingly, we grant transfer and summarily affirm the Court of Appeals opinion pursuant to Indiana Appellate Rule 58(A), with the exception of the above-quoted passage, which is hereby vacated.

Rush, C.J., and Rucker and David, JJ., concur.

Massa and Slaughter, JJ., concur in result.