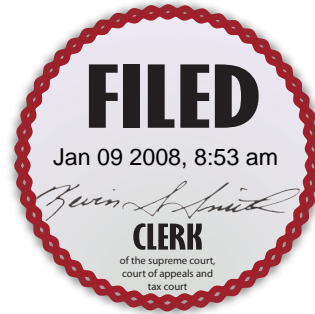


Pursuant to Ind.Appellate Rule 15(A)(3), this Memorandum Decision shall not be regarded as precedent or cited before any court except for the purpose of establishing the defense of res judicata collateral estoppel, or the law of the case.



ATTORNEY FOR APPELLANT:

**T. EDWARD PAGE**  
Merrillville, Indiana

ATTORNEYS FOR APPELLEE:

**STEVE CARTER**  
Attorney General of Indiana

**SCOTT L. BARNHART**  
Deputy Attorney General  
Indianapolis, Indiana

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**IN THE  
COURT OF APPEALS OF INDIANA**

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ANTWON ARMSTRONG,  
Appellant-Defendant,

vs.

STATE OF INDIANA,  
Appellee-Plaintiff.

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No. 45A04-0707-CR-360

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APPEAL FROM THE LAKE SUPERIOR COURT  
The Honorable Diane Ross Boswell, Judge  
Cause No. 45G03-0407-FD-98

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**January 9, 2008**

**MEMORANDUM DECISION - NOT FOR PUBLICATION**

**BRADFORD, Judge**

Antwon Armstrong appeals from the two-year sentence imposed following his guilty plea to Class D felony Failure to Return to Lawful Detention,<sup>1</sup> contending that it is not appropriate in light of the nature of his offense and his character. We affirm.

### **FACTS**

On June 29, 2004, Armstrong was serving an eighteen-month sentence in the Lake County Community Correction Kimbrough Center when he left for work and intentionally failed to return. (Tr. 5-6). Armstrong was arrested in Illinois on July 1, 2004, on unrelated charges. (Tr. 5).

The State charged Armstrong with Class D felony failure to return to lawful detention, and he pled guilty as charged. (Tr. 4-6). The trial court sentenced Armstrong to two years of incarceration, finding, as aggravating circumstances, his prior felony convictions and probation violations. (Sentencing Tr. 26). The trial court found his guilty plea and expressions of remorse to be mitigating circumstances. (Sentencing Tr. 26).

### **DISCUSSION AND DECISION**

We “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.” Ind. Appellate Rule 7(B). “Although appellate review of sentences must give due consideration to the trial court’s sentence because of the special expertise of the trial bench in making sentencing decisions, Appellate Rule 7(B) is an authorization to revise sentences when certain broad

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<sup>1</sup> Ind. Code § 35-44-3-5(b) (2003).

conditions are satisfied.” *Shouse v. State*, 849 N.E.2d 650, 660 (Ind. Ct. App. 2006), *trans. denied* (citations and quotation marks omitted).

The nature of Armstrong’s offense was the squandering of chance he had been given to show that he could be trusted, what the trial court termed “a blatant disregard for the authority of the Court.” Sentencing Tr. p. 26. Moreover, within days of leaving the community corrections center, Armstrong attempted to “make a purchase with a fraudulent credit card and got caught doing so.” Sentencing Tr. p. 8. As Armstrong attempted to flee, he was hit by three police bullets, and eventually pled guilty to a charge of aggravated battery. (Sentencing Tr. 9).

Armstrong’s character is that of a person who is unwilling to conform his behavior to the norms of society, despite his numerous contacts with the criminal justice system. Armstrong has prior felony convictions for two counts of theft, two counts of aggravated battery, and forgery, misdemeanor convictions for retail theft, theft, and solicitation of a sexual act, and has violated the terms of probation in the past. (Appellant's App. 78-81). Moreover, Armstrong had been charged with forty-nine other crimes as a juvenile and adult by the time he was twenty-four. (Appellant's App. 78-81). We conclude that Armstrong’s two-year sentence, which is not even a maximum sentence, is entirely appropriate in light of the nature of his offense and this character.

The judgment of the trial court is affirmed.

BAKER, C.J, and DARDEN, J., concur.