



Appellant-defendant Christopher Rogers appeals the sentence imposed by the trial court after Rogers was convicted of Murder,<sup>1</sup> a class A felony. Specifically, Rogers argues that the sentence is inappropriate in light of the nature of the offense and his character. Finding no error, we affirm the judgment of the trial court.

### FACTS

On July 3, 2005, Rogers was staying at the Motel Six in Kokomo. Rogers called his crack dealer, Kevin Beard, in an effort to purchase cocaine. Appellant's App. Vol. II p. 5. Rogers fell asleep and awoke to find his gun, wallet, ring, and drugs missing from his room.

After Rogers realized that the items were missing, he noticed Beard, who was also in the hotel room. Rogers confronted Beard about the missing items. The argument continued as the men moved outside to Beard's vehicle. Rogers found his belongings, except for his wallet, in the trunk of Beard's vehicle. Rogers ordered Beard, at gunpoint, back up to the motel room. The parties then proceeded back outside to look for Rogers's wallet. Back at Beard's car, both men reached for the gun. The gun discharged, killing Beard.

The Kokomo police were dispatched to the Motel Six and found Beard unresponsive in his vehicle. On July 4, 2005, Kokomo police interviewed Rogers, who waived his rights and gave a statement about the occurrence at the motel. On July 7,

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<sup>1</sup> Ind. Code § 35-42-1-1.

2005, Rogers was charged with class A felony murder and class A felony robbery resulting in serious bodily injury.

On April 19, 2007, Rogers agreed to plead guilty to murder in exchange for the State's agreement to dismiss the robbery charge and its request for life without parole. The parties agreed to a cap of an executed sentence of fifty-five years. On September 27, 2007, Rogers was sentenced to sixty-five years, with fifty-five years executed and ten years suspended to probation. Rogers now appeals the appropriateness of his sentence.

### DISCUSSION AND DECISION

Rogers argues that the trial court abused its discretion by failing to consider mitigating factors, specifically, his long history of drug addiction. He contends that the sentence he received is inappropriate.

When reviewing a sentence imposed by the trial court, 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). In conducting an appropriateness review, we must examine both the nature of the offense and the defendant’s character. Payton v. State, 818 N.E.2d 493, 498 (Ind. Ct. App. 2004). We may look to any factors appearing in the record. Roney v. State, 872 N.E.2d 192, 206 (Ind. Ct. App. 2007), trans. denied.

Regarding the nature of the offense, Rogers was attempting to buy cocaine when he murdered Beard. Rogers also threatened the victim at gunpoint. The nature of the offense does not aid his inappropriateness argument.

Turning to his character, we observe that at the young age of twenty-four, Rogers has already amassed a length series of contacts with the judicial system. Specifically, Rogers was twelve years old at the time of his first adjudication, has violated probation on multiple occasions, has committed two offenses that, if committed by an adult, would have been felonies, and has committed one felony as an adult. Appellant's App. Vol. II p. 35.

Rogers emphasizes his nearly-lifelong drug addiction and argues that it renders his sentence inappropriate. At the sentencing hearing, Rogers presented evidence of his troubled childhood. Specifically, Rogers was exposed to drugs at the age of six. Although the trial court found that this history "makes [the crime] somewhat more understandable," tr. p. 64, it declined to find it to be a mitigating circumstance. While it is unfortunate that Rogers had a turbulent childhood without positive role models and it is admirable that he pleaded guilty, expressed remorse for the crime, and found religion, we cannot overlook the significant criminal history he has already accumulated at such a young age. In light of that history, we do not find that his character aids his argument.

Therefore, we do not find the sentence imposed by the trial court to be inappropriate in light of the nature of the offense and Rogers's character.

The judgment of the trial court is affirmed.

KIRSCH, J., and BAILEY, J., concur.