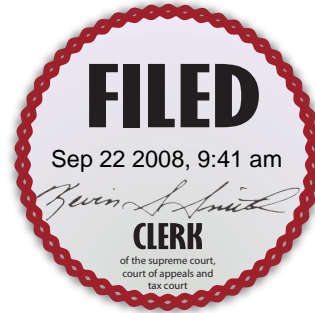


Pursuant to Ind.Appellate Rule 65(D), this Memorandum Decision shall not be regarded as precedent or cited before any court except for the purpose of establishing the defense of res judicata, collateral estoppel, or the law of the case.



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**IN THE
COURT OF APPEALS OF INDIANA**

JERMAINE YOUNG,)
)
Appellant-Defendant,)
)
vs.) No. 49A02-0803-CR-198
)
STATE OF INDIANA,)
)
Appellee-Plaintiff.)

APPEAL FROM THE MARION SUPERIOR COURT
The Honorable Steven Eichholtz, Judge
Cause No. 49G23-0703-FA-046314

SEPTEMBER 22, 2008

MEMORANDUM DECISION - NOT FOR PUBLICATION

GARRARD, Senior Judge

After a bench trial Jermaine Young was convicted of dealing in cocaine, a Class A felony; possession of cocaine, a Class C felony; possession of a controlled substance, a Class D felony; and possession of marijuana, a Class A misdemeanor.

He received a forty-year sentence for the Class A felony and appropriate sentences on the other offenses with the sentences to be served concurrently.

In this appeal Young challenges the enhancement of his Class A sentence to forty years. He contends the court erred in finding that he was the same person as the Jermaine Young who had an extensive criminal history in Michigan.¹ Admittedly, the state presented no fingerprint evidence to establish that identity.

Young contends that the pre-sentence investigation report and other evidence before the court were insufficient to establish that he was the Jermaine Young who had been convicted of numerous offenses in Michigan.

Accordingly, we will review the information contained in the pre-sentence investigation report to determine whether it adequately identified Jermaine Young the defendant here, with the Jermaine Young in the report from Michigan and from the National Crime Information Center (NCIC). For the sake of brevity we refer to the information Young gave the probation officer for his pre-sentence investigation report as “Indiana” and the information from Michigan and NCIC as “Michigan”.

Michigan reported Young’s parents as Napoleon Foster and Diane Young. Young told Indiana his parents were Joshua Young and Mary Young. On a bail application

¹ He also claims the court erred in finding he failed to cooperate in resolving the identity question, but we need not address this claim.

made earlier he had stated, however, that his parents were Napoleon Foster and Diane Young.

Young told Indiana that he had two siblings, Angela Young and Earl Young. Michigan reported only a brother, Edward Young, and that was what Young had stated in his bail application.

Young told Indiana the address of the high school he attended in Indianapolis, but did not know the name of the school. No school records for Young were found in Indianapolis. Michigan reported Young attended Benton Harbor High School, and, again, Young's bail application reported that he had attended Benton Harbor High School.

Both Indiana and Michigan reported that Young had a "dropped foot" and was receiving social security benefits because of it.

Michigan reported that Young had three tattoos: a pit bull on his upper left chest; a broken heart on his upper right arm; and "Good Life" across his chest. Indiana introduced pictures of the defendant Young's tattoos: a dog's head on his upper left chest that resembles that of a pit bull; a heart pierced by a knife on his upper right arm; and, the words "Fast Life" across his chest. The discrepancies in these descriptions were a matter for the trial court as fact finder to resolve. The location of the tattoos, their similarity to those reported by Michigan and the variance in descriptions could properly be weighed by the court in reaching its conclusions.

Michigan also reported that Young used a number of aliases, two different birthdays and two different social security numbers, which implied that Young often attempted to disguise his true identity.

From these facts we conclude that there was abundant evidence from which the trial court concluded that the defendant was the same Jermaine Young as the Jermaine Young reported by the Michigan authorities and NCIC. It follows that Young's prior criminal history was properly used to enhance the sentence for his Class A felony.

Affirmed.

KIRSCH, J., and ROBB, J., concur.