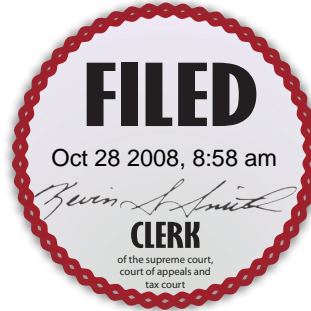


Pursuant to Ind.Appellate Rule 65(D), this Memorandum Decision shall not be regarded as precedent or cited before any court except for the purpose of establishing the defense of res judicata, collateral estoppel, or the law of the case.



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**IN THE
COURT OF APPEALS OF INDIANA**

SHAUN A. MILES,)
)
Appellant-Defendant,)
)
vs.) No. 67A01-0802-CR-97
)
STATE OF INDIANA,)
)
Appellee-Plaintiff.)

APPEAL FROM THE PUTNAM CIRCUIT COURT
The Honorable Matthew L. Headley, Judge
Cause No. 67C01-0707-FB-92

October 28, 2008

MEMORANDUM DECISION - NOT FOR PUBLICATION

BAILEY, Judge

Case Summary

Appellant-Defendant Shaun A. Miles appeals his six-year sentence for Battery Causing Serious Bodily Injury, as a Class C felony.¹ We remand.

Facts and Procedural History²

On July 23, 2007, Miles was charged with Battery on a Child, a Class B felony.³ Pursuant to a plea agreement, Miles pled guilty to the lesser-included offense of Battery Causing Serious Bodily Injury, as a Class C felony. The State agreed to make no recommendation as to Miles's sentence except that the initial executed time would be capped at four years.

The trial court accepted the guilty plea. Without mentioning aggravators or mitigators, the trial court imposed an enhanced sentence⁴ of six years imprisonment with two years suspended to probation.

Miles now appeals.

Discussion and Decision

¹ Ind. Code § 35-42-2-1(a)(3).

² Miles filed a Motion to Strike pursuant to Indiana Appellate Rule 42, requesting that we strike the State's Supplemental Appendix that contains documents that were allegedly in the Pre-Sentence Report but Miles allegedly failed to include in his Appendix. Appellate Rule 42 permits this Court to strike any redundant, immaterial, impertinent, scandalous or other inappropriate matter from the record. Without citation to authority, Miles asks this Court to strike the entire Supplemental Appendix because the State failed to file this confidential information on green paper in adherence to Indiana Administrative Rule 9(G)(1) and Trial Rule 5(G). Although proper procedure is to submit confidential information on green paper, we do not believe such a mistake rises to the standard of Appellate Rule 42. Thus, Miles's motion is denied.

³ Ind. Code § 35-42-2-1(a)(4).

Miles contends that the trial court abused its discretion in failing to enter a sentencing statement and argues that his sentence is inappropriate. The State concedes that the trial court failed to provide a sentencing statement. By this failure, the trial court abused its discretion. Anglemyer v. State, 868 N.E.2d 482, 490 (Ind. 2007), clarified on reh'g, 875 N.E.2d 218 (Ind. 2007) (“One way in which a trial court may abuse its discretion is failing to enter a sentencing statement at all”). In this situation, an appellate court has the option to remand the case to the trial court for a clarification or new sentencing determination. Windhorst v. State, 868 N.E.2d 504, 507 (Ind. 2007). Another option we have is to exercise our authority to review and revise the sentence under Indiana Appellate Rule 7(B). Id. As the record is scant of details of the crime and it is not clear whether the Investigative Report was a part of the pre-sentence report, we conclude that it is necessary to remand this case. On remand, we direct the trial court to issue a reasonably detailed sentencing statement supporting the sentence imposed.

Remanded.

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

⁴ Ind. Code § 35-50-2-6 (“A person who commits a Class C felony shall be imprisoned for a fixed term of between two (2) and eight (8) years, with the advisory sentence being four (4) years.”).