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**IN THE
COURT OF APPEALS OF INDIANA**

CYNTHIA L. RAGSDALE,

Appellant-Defendant,

vs.

STATE OF INDIANA,

Appellee-Plaintiff.

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No. 10A01-1012-CR-637

APPEAL FROM THE CLARK SUPERIOR COURT
The Honorable Jerome F. Jacobi, Judge
Cause No. 10D02-1002-FD-00108

OCTOBER 24, 2011

MEMORANDUM DECISION - NOT FOR PUBLICATION

BARTEAU, Senior Judge

STATEMENT OF THE CASE

Defendant-Appellant Cynthia L. Ragsdale appeals the sentence she received for her conviction of possession of cocaine, a Class D felony. Ind. Code § 35-48-4-6 (2006).

We affirm.

ISSUE

Ragsdale presents one issue for our review, which we restate as: whether Ragsdale's sentence is inappropriate.

FACTS AND PROCEDURAL HISTORY

Ragsdale was found sitting in her vehicle, and when a police officer approached, she exited the vehicle and explained that her battery was dead and she needed a jump start. The officer asked Ragsdale for identification, but she was unable to provide any. Instead, she gave the officer false information regarding her identity. When the officer asked Ragsdale if she had anything illegal with her or in the vehicle, she told the officer there was a spoon with cocaine on it underneath the passenger seat of the vehicle. After observing the spoon and the substance, the officer arrested Ragsdale, at which time she revealed her true identity. Upon arresting Ragsdale, the officer found a Lortab pill in Ragsdale's wallet.

Based upon this incident, Ragsdale was charged with possession of cocaine, a Class D felony, Indiana Code section 35-48-4-6; possession of a controlled substance, a Class D felony, Indiana Code section 35-48-4-7 (2001); and possession of paraphernalia, a Class A misdemeanor, Indiana Code section 35-48-4-8.3 (2003). Ragsdale pleaded

guilty to possession of cocaine, a Class D felony, and the trial court sentenced her to three years. It is from this sentence that she now appeals.

DISCUSSION AND DECISION

Ragsdale's sole contention on appeal is that her three-year sentence is inappropriate given the nature of the offense and the character of the offender. We may revise a sentence authorized by statute if, after due consideration of the trial court's decision, we determine that the sentence is inappropriate in light of the nature of the offense and the character of the offender. Ind. Appellate Rule 7(B). A defendant bears the burden of persuading the appellate court that his or her sentence has met the inappropriateness standard of review. *Anglemyer v. State*, 868 N.E.2d 482, 494 (Ind. 2007), *clarified on reh'g*, 875 N.E.2d 218 (2007).

To assess the appropriateness of the sentence, we look first to the statutory range established for the class of the offense. Here, the offense is a Class D felony, for which the advisory sentence is one and one-half years, with a minimum sentence of six months and a maximum sentence of three years. Ind. Code § 35-50-2-7 (2005).

Next, we look to the nature of the offense and the character of the offender. The nature of the current offense is that Ragsdale was preparing to use cocaine, an illegal drug, at the time the officer approached her. In addition, Ragsdale repeatedly lied to the officer regarding her true identity.

We now turn to the character of the offender. At the sentencing hearing, Ragsdale presented evidence of her activities since her guilty plea in this case. The evidence

showed that she had been receiving treatment for her drug addiction at a methadone clinic. She further indicated that she had been caring for her seven-year-old child and helping the child's wheelchair-bound paternal grandparent. Ragsdale also indicated that she had completed some post-secondary education courses and was working at placements through a temporary agency.

We observe that Ragsdale has a lengthy criminal history. Her criminal activity began in 1993 and continued unabated until 2003. In 2007, she accumulated further charges, and her criminal activity continued through 2010 when she was sentenced in the instant case. During these years, she committed several drug-related offenses in Kentucky, at least one of which was a felony. Also in Kentucky, Ragsdale had at least one probation violation, and, while the current charges were pending in this state, she committed a new drug offense. In Indiana, Ragsdale has committed at least one felony and three misdemeanors and has violated her probation at least two times. We note that the significance of a criminal history in assessing a defendant's character and an appropriate sentence varies based on the gravity, nature, and number of prior offenses in relation to the current offense. *Rutherford v. State*, 866 N.E.2d 867, 874 (Ind. Ct. App. 2007). Of all these convictions spanning two states, Ragsdale has accumulated at least six drug-related convictions. In addition, approximately one month prior to her sentencing hearing in this case, Ragsdale tested positive for cocaine in a urine test. Moreover, there was an absence of methadone in her urine even though Ragsdale testified

she is being treated for her drug addiction at a methadone clinic and is taking methadone every day.

Therefore, although Ragsdale presented evidence of her alleged methadone treatment, the evidence showed that she continues to abuse drugs. Prior attempts at rehabilitation and probation have failed, as evidenced by the continuing drug offenses and probation violations both in this state and in Kentucky over a span of many years.

Thus, Ragsdale has not carried her burden of persuading this Court that her sentence has met the inappropriateness standard of review. *See Anglemyer*, 868 N.E.2d at 494. Our review of the nature of the offense and the character of the offender does not lead us to conclude that Ragsdale's sentence is inappropriate.

CONCLUSION

Based upon the foregoing discussion and authorities, we conclude that Ragsdale's sentence is not inappropriate given the nature of the offense and the character of the offender.

Affirmed.

FRIEDLANDER, J., and BARNES, J., concur.