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IN THE COURT OF APPEALS OF INDIANA

QUENTIN L. TAYLOR,	)	
	)	
Appellant-Defendant,	)	
	)	
vs.	)	No. 02A04-1006-CR-388
	)	
STATE OF INDIANA,	)	
	)	
Appellee-Plaintiff.	)	

APPEAL FROM THE ALLEN SUPERIOR COURT
The Honorable John F. Surbeck, Jr., Judge
Cause No. 02D04-0912-FB-230
Cause No. 02D04-0912-FB-235
Cause No. 02D04-0912-FB-240

November 10, 2010

MEMORANDUM DECISION - NOT FOR PUBLICATION

FRIEDLANDER, Judge

Following guilty pleas in three separate cases, Quentin L. Taylor was convicted of three counts of class B felony Robbery,[1] one count of class B felony Criminal Confinement,[2] and two counts of class C felony Battery.[3] He received an aggregate sentence of thirty years in prison with four of those years suspended to probation. On appeal, Taylor contends his sentence is inappropriate in light of the nature of the offenses and his character.

We affirm.

On the morning of November 28, 2009, eighteen-year-olds Taylor and Damarcus Figgs entered a Dairy Queen in Fort Wayne and confronted the two employees inside. While armed with a knife, Taylor slashed at one of the employees and inflicted a minor cut. Taylor and Figgs continued to threaten the employees and ordered them to open the cash drawers. After taking approximately $150, Taylor and Figgs fled.

On the morning of December 10, Taylor and Figgs entered a Family Dollar Store. Taylor immediately approached a male employee and cut him with a knife, causing a wound that later required six stitches. When the employee fled, Taylor then confronted a female employee who was attempting to flee from the back of the store. He forced her to the front of the store while threatening to stab and kill her. The men demanded money and left after taking $100 out of the cash register.

Taylor and Figgs embarked on yet another robbery on the morning of December 13. This time they entered a Walgreens store and confronted the store manager. Figgs grabbed the manager from behind and put him in a choke hold with a knife to his temple and then

[1] Ind. Code Ann. § 35-42-5-1 (West, Westlaw through 2010 2nd Regular Sess.).
[2] I.C. § 35-42-3-3 (West, Westlaw through 2010 2nd Regular Sess.).

forced him to the cash register. Figgs grabbed money while Taylor took cigarettes from the area where Figgs was still holding the manager at knife point.

Each of the above robberies was captured on video, and Taylor was later identified by the victims. During an interview with police on December 15, Figgs admitted robbing the three establishments with Taylor. Taylor subsequently denied involvement in the crimes.

On December 21, 2009, the State charged Taylor in FB-230 (the Walgreens robbery) with class B felony robbery. Shortly thereafter, Taylor was charged in FB-235 (the Family Dollar Store robbery) with class B felony robbery, class B felony criminal confinement, and class C felony battery. Finally, in FB-240 (the Dairy Queen robbery) he was charged with class B felony robbery and class C felony battery.

On May 4, 2010, two days before his jury trial in FB-230, Taylor pleaded guilty as charged in all three causes. A consolidated sentencing hearing was held on June 7. At sentencing, Taylor argued as mitigating his young age of eighteen and the fact that he pleaded guilty to all charges without the benefit of a plea agreement. The trial court made a detailed sentencing statement, ultimately sentencing Taylor to an aggregate term of thirty years in prison with four of those years suspended to probation.[4] Taylor now appeals, claiming his sentence is inappropriate.

We have the constitutional authority to revise a sentence if, after careful consideration

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[3] I.C. § 35-42-2-1 (West, Westlaw through 2010 2nd Regular Sess.).

[4] Specifically, in FB-230, the court imposed ten years for the robbery, with four years suspended to probation. In FB-235, Taylor was sentenced to concurrent terms of ten years for robbery, ten years for criminal confinement, and four years for battery. In FB-240, the court imposed concurrent sentences of ten years for robbery and four years for battery. The aggregate sentences in the three different causes were ordered to run consecutively. Therefore, with respect to the lead charge in each case (i.e., robbery), Taylor

of the trial court's decision, we conclude the sentence is inappropriate in light of the nature of the offense and character of the offender. *See* Ind. Appellate Rule 7(B); *Anglemyer v. State*, 868 N.E.2d 482 (Ind. 2007), *clarified on reh'g*, 875 N.E.2d 218. Even if a trial court follows the appropriate procedure in arriving at its sentence, we maintain the constitutional power to revise a sentence we find inappropriate. *Hope v. State*, 834 N.E.2d 713 (Ind. Ct. App. 2005). Although we are not required under App. R. 7(B) to be "extremely" deferential to a trial court's sentencing decision, we recognize the unique perspective a trial court brings to such determinations. *Rutherford v. State*, 866 N.E.2d 867, 873 (Ind. Ct. App. 2007). On appeal, Taylor bears the burden of persuading us that his sentence is inappropriate. *Rutherford v. State*, 866 N.E.2d 867.

Initially, we remind Taylor that he bears the burden of establishing that his sentence is inappropriate in light of both the nature of the offenses and his character. *See Williams v. State*, 891 N.E.2d 621, 633 (Ind. Ct. App. 2008) ("revision of a sentence under Indiana Appellate Rule 7(B) requires the appellant to demonstrate that his sentence is inappropriate in light of *both* the nature of his offenses and his character") (emphasis in original). He has not done so here with only a cursory discussion of his character and a total failure to address the nature of the offenses.

With respect to the nature of the offenses, the trial court observed that the robberies

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received the advisory sentence, and in FB-230 four years of the advisory sentence were suspended. *See* Ind. Code Ann. § 35-50-2-5 (West, Westlaw through 2010 2nd Regular Sess.).

were committed over a period of two weeks allowing "more than enough cooling off period from one to another". *Transcript* at 15. Further, the trial court discussed the "gratuitous violence, unnecessary violence" that occurred especially in FB-235 and FB-240. *Id*. at 13. The court explained, "It appears that you all walked in and cut somebody just to establish what's going to happen." *Id*. at 12. We agree with the trial court's analysis and, with respect to the nature of the offenses, find nothing inappropriate about Taylor's sentence.

Taylor's character is also not worthy of a lesser sentence. Although he had just turned eighteen years of age at the time of the instant robberies, Taylor had already amassed a significant prior legal history. Taylor had six prior findings of delinquency, four of which would have been felonies (one a B felony robbery) if they had been committed by an adult. After juvenile court treatment including probation, electronic monitoring, and placement at a residential treatment facility, Taylor was ultimately committed to the Indiana Boys School in September 2008. Taylor's past and current history is significant and indicates his high likelihood of reoffending. Finally, like the trial court, we do not accord much weight to the fact Taylor pleaded guilty, as he did so only on the eve of his first trial and in the face of overwhelming evidence of guilt. *See Wells v. State*, 836 N.E.2d 475, 479 (Ind. Ct. App. 2005) ("a guilty plea does not rise to the level of significant mitigation…where the evidence against him is such that the decision to plead guilty is merely a pragmatic one"), *trans. denied*.

In sum, Taylor has wholly failed to establish that his aggregate sentence is inappropriate in light of his character and the nature of the offenses.

Judgment affirmed.

BARNES, J., and CRONE, J., concur.