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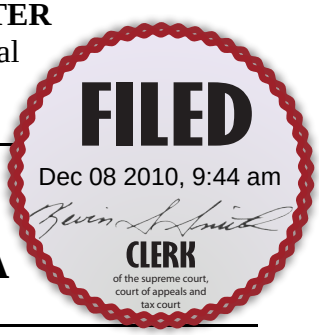

IN THE COURT OF APPEALS OF INDIANA

ROBERT A. SOLOMON,	)	
	)	
Appellant-Defendant,	)	
	)	
vs.	)	No. 48A02-1005-CR-587
	)	
STATE OF INDIANA,	)	
	)	
Appellee-Plaintiff.	)	

APPEAL FROM THE MADISON CIRCUIT COURT
The Honorable Rudolph Pyle, III, Judge
Cause No. 48C01-0708-FA-393

December 8, 2010

MEMORANDUM DECISION - NOT FOR PUBLICATION

FRIEDLANDER, Judge

Robert Solomon appeals from his sentence after pleading guilty to one count of dealing in cocaine as a class A felony, maintaining a common nuisance as a class D felony, resisting law enforcement as a class D felony, possession of marijuana as a class A misdemeanor, and carrying a handgun without a license as a class A misdemeanor. Solomon raises the following issue for our review: Is Solomon's sentence inappropriate in light of the nature of the offense and the character of the offender?

We affirm.

On July 12, 2007, in Anderson, Indiana, the Madison County Drug Task Force set up a purchase of cocaine from Solomon through a confidential informant. Solomon and his girlfriend, Garneitha Bledsoe, arrived at the pre-arranged meeting place. Two members of the drug task force, Detective Kevin Early and Detective Stephon Blackwell, who were wearing their badges on chains around their necks, approached the 2007 Dodge Charger that was occupied by Solomon and Bledsoe. The officers ordered Solomon to exit the vehicle. Instead, Solomon accelerated out of the parking lot, fleeing at a high rate of speed. Officer Gabe Bailey of the Anderson Police Department was nearby to assist the drug task force officers and pursued Solomon with fully activated lights and siren. Solomon attempted a turn at a high rate of speed, crashing the car into a curb and a stop sign. Solomon and Bledsoe exited the vehicle and ignored police commands to stop. Solomon and Bledsoe were later apprehended hiding in an unoccupied residence they had broken into. During their flight from police, Solomon had thrown a gun and some crack cocaine out of the car window.

After the State filed charges against Solomon, he entered into a plea agreement. The plea agreement contained a provision capping the executed time at thirty years. The trial

court accepted the guilty plea, ordered the sentences to be served concurrently, and sentenced Solomon to an aggregate sentence of thirty years executed. Solomon filed a motion to modify his sentence, which the trial court denied. After a second motion to modify his sentence was filed and denied by the trial court, Solomon appeals.

Solomon argues that his thirty-year aggregate sentence is inappropriate in light of the nature of the offense and the character of the offender. This Court has the constitutional authority to revise a sentence if, after "due consideration" of the trial court's decision, this 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); *Childress v. State*, 848 N.E.2d 1073, 1076 (Ind. 2006). The burden is on the defendant to persuade the appellate court that his sentence is inappropriate. *Childress*, 848 N.E.2d 1073. Sentencing is principally a discretionary function in which the trial court's judgment should receive considerable deference. *Cardwell v. State*, 895 N.E.2d 1219 (Ind. 2008). We understand and recognize the unique perspective a trial court brings to its sentencing decisions. *Anglemyer v. State*, 868 N.E.2d 482 (Ind. 2007) *clarified on reh'g*, 875 N.E.2d 218 (Ind. 2007).

The plea agreement capped the executed time the trial court could impose at thirty years executed. The advisory sentence for a class A felony is thirty years with a sentencing range of between twenty to fifty years. Ind. Code Ann. § 35-50-2-4 (West, Westlaw through 2010 2nd Regular Sess.). The advisory sentence for a class D felony is one and one-half years with a sentence range of between six months to three years. I.C. Ann. § 35-50-2-7 (West, Westlaw through 2010 2nd Regular Sess.). The sentence for a class A misdemeanor is not more than one year. I.C. § 35-50-3-2 (West, Westlaw through 2010 2nd Regular

Sess.).

Although Solomon argues that his crimes were non-violent in nature, we note that Solomon had been selling crack cocaine in Madison County for a period of at least seven months prior to his arrest for the instant offenses. When police officers approached the vehicle Solomon occupied and ordered him to exit, Solomon fled at a high rate of speed through a populated area endangering the lives of other drivers and pedestrians. As he fled, Solomon threw cocaine and a gun from his vehicle, making these items available to any passerby. Solomon's life was endangered as was the life of Bledsoe, his girlfriend, who also occupied the car, which they ultimately crashed. After fleeing on foot, Solomon broke into an unoccupied residence where he and Bledsoe hid until they were apprehended by police. Solomon was released on bond in this matter and went to the residence of the confidential informant and made threats to him.

As for the character of the offender, we note that Solomon received three convictions between July 2002 and May 2004 for which he was placed on probation. Solomon received eight days confinement in May 2004 for obstruction of justice and thirty days confinement for violating his probation. Solomon had been involved in the sale of narcotics for several months prior to the confidential informant setting up the controlled buy from him in the instant case. Instead of surrendering to police, he fled in a high-speed chase to avoid arrest, ignored police orders to stop once he crashed the vehicle that he occupied, and broke into an unoccupied house where he hid from the officers. The sentence is not inappropriate in light of the nature of the offense and the character of the offender.

Although claims that the trial court failed to consider the fact of Solomon's decision to

plead guilty are analyzed separately for an abuse of discretion, we briefly address the claims here. Not every plea of guilty is a significant circumstance that must be credited by the trial court. *Trueblood v. State*, 715 N.E.2d 1242 (Ind. 1999). A trial court need not find that a guilty plea mitigates an offense unless the guilty plea mitigates the offense significantly. *Sensback v. State*, 720 N.E.2d 1160 (Ind. 1999). The evidence against Solomon was overwhelming and his convictions for the charged crimes was certain. In exchange for pleading guilty, the executed portion of Solomon's sentence was capped at thirty years executed, and an additional class A felony charge was dropped. Further, even though it was not a written term of Solomon's plea agreement, the parties agreed that Bledsoe would not receive any executed time for her convictions as an accessory in the crimes. Thus, it would seem that Solomon's decision to enter into a guilty plea was more a matter of pragmatism than acceptance of responsibility.

We commend Solomon for the personal advancements he has made while incarcerated, such as educational efforts and attempts at rehabilitation. These efforts do not, however, establish how his sentence is inappropriate in light of the nature of the offense and the character of the offender.

Judgment affirmed.

MAY, J., and MATHIAS, J., concur.