

MEMORANDUM DECISION

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IN THE COURT OF APPEALS OF INDIANA

Christopher Godsey,
Appellant-Defendant,

v.

State of Indiana,
Appellee-Plaintiff,

November 30, 2021

Court of Appeals Case No.
21A-CR-1116

Appeal from the Henry Circuit
Court

The Honorable Bob A. Witham,
Judge

Trial Court Cause No.
33C01-1908-F4-30

Robb, Judge.

Case Summary and Issue

- [1] Following a guilty plea, Christopher Godsey was convicted of dealing in methamphetamine, a Level 4 felony. The trial court sentenced Godsey to ten years to be served in the Indiana Department of Correction (“DOC”). Godsey now appeals, raising one issue for our review which we restate as whether his sentence is inappropriate in light of the nature of the offense and his character. Concluding Godsey’s sentence is not inappropriate, we affirm.

Facts and Procedural History

- [2] On August 10, 2019, Officer Jim Heffernan of the New Castle Police Department attempted to initiate a traffic stop on a white Mercury Grand Marquis driven by Godsey; however, Godsey refused to stop and Officer Heffernan gave chase. During the chase Godsey’s vehicle reached ninety-five miles per hour, he ran two stop signs, and he eventually lost control of the vehicle, swerved off the road, and struck a utility pole. After Godsey’s vehicle came to a stop, he got out and ran towards a wooded area. Officer Heffernan pursued on foot and eventually Godsey gave up and was handcuffed and arrested. Officers then searched Godsey’s car and found hypodermic needles, a digital scale, a metal spoon, a bag of fifty white oval pills identified as Gabapentin, a bag with a round pill cut in half identified as Buprenorphine, marijuana, and 3.4 grams of methamphetamine.

[3] On August 26, 2019, the State charged Godsey with dealing in methamphetamine, a Level 4 felony; resisting law enforcement, a Level 6 felony; unlawful possession of a syringe, a Level 6 felony; possession of a legend drug, a Level 6 felony; possession of a controlled substance, a Class A misdemeanor; possession of marijuana, a Class B misdemeanor; driving while suspended, a Class A misdemeanor; reckless driving, a Class C misdemeanor; and possession of paraphernalia, a Class C misdemeanor. On February 17, 2021, Godsey pleaded guilty to dealing in methamphetamine and the State agreed to dismiss the remaining charges. The trial court took Godsey’s plea under advisement and sentencing was delayed pending Godsey’s participation in a residential drug-treatment program at the House of Hope. However, Godsey was discharged from the program.

[4] On June 2, 2021, the trial court sentenced Godsey to ten years in the DOC. The trial court found that Godsey’s guilty plea was a mitigating circumstance and that Godsey’s criminal history, prior unsuccessful probation sentences, and pending cases were aggravating circumstances. Godsey now appeals. Additional facts will be provided as necessary.

Discussion and Decision

I. Standard of Review

[5] Godsey argues that the trial court imposed an inappropriate sentence given the nature of the offense and his character. Indiana Appellate Rule 7(B) permits us to revise a sentence “if, after due consideration of the trial court’s decision, [we]

find[] that the sentence is inappropriate in light of the nature of the offense and the character of the offender.” Sentencing is “principally a discretionary function” of the trial court to which we afford great deference. *Cardwell v. State*, 895 N.E.2d 1219, 1222 (Ind. 2008). “Such deference should prevail unless overcome by compelling evidence portraying in a positive light the nature of the offense . . . and the defendant’s character[.]” *Stephenson v. State*, 29 N.E.3d 111, 122 (Ind. 2015).

[6] The defendant carries the burden of persuading us that the sentence imposed by the trial court is inappropriate, *Childress v. State*, 848 N.E.2d 1073, 1080 (Ind. 2006), and we may look to any factors appearing in the record in making such a determination, *Reis v. State*, 88 N.E.3d 1099, 1102 (Ind. Ct. App. 2017). The question under Rule 7(B) is “not whether another sentence is *more* appropriate; rather, the question is whether the sentence imposed is inappropriate.” *King v. State*, 894 N.E.2d 265, 268 (Ind. Ct. App. 2008). “The principal role of appellate review should be to attempt to leaven the outliers, . . . not to achieve a perceived ‘correct’ result in each case.” *Cardwell*, 895 N.E.2d at 1225.

II. Inappropriate Sentence

A. Nature of the Offense

[7] Our analysis of the “nature of the offense” portion of the review begins with the advisory sentence. *Clara v. State*, 899 N.E.2d 733, 736 (Ind. Ct. App. 2009). The advisory sentence is the starting point selected by the legislature as an appropriate sentence for the crime committed. *Childress*, 848 N.E.2d at 1081.

- [8] Godsey was convicted of dealing in methamphetamine, a Level 4 felony. A person convicted of a Level 4 felony “shall be imprisoned for a fixed term of between two (2) and twelve (12) years, with the advisory sentence being six (6) years.” Ind. Code § 35-50-2-5.5. Godsey was sentenced to ten years in the DOC.
- [9] The nature of the offense is found in the details and circumstances of the offenses and the defendant’s participation therein. *Lindhorst v. State*, 90 N.E.3d 695, 703 (Ind. Ct. App. 2017). When considering a sentence that deviates from the advisory sentence, we consider whether there is anything more or less egregious about the offense as committed by the defendant that distinguishes it from the typical offense accounted for by our legislature when it set the advisory sentence. *Moyer v. State*, 83 N.E.3d 136, 142 (Ind. Ct. App. 2017), *trans. denied*.
- [10] Here, in the early evening, Godsey refused to comply with a traffic stop. He instigated a highspeed chase with Officer Heffernan during which he ran two stops sign and eventually lost control of his vehicle, striking a utility pole and the corner of a softball diamond. *See* Appellant’s Appendix, Volume II at 25. Godsey then attempted to escape on foot before he was finally detained. Officers found hypodermic needles, a digital scale, a metal spoon, fifty Gabapentin pills, half a Buprenorphine pill, marijuana, and 3.4 grams of methamphetamine in Godsey’s vehicle. *See id.* at 27.
- [11] Given the nature of the offense, we find that Godsey’s sentence is not inappropriate.

B. Character of the Offender

[12] We conduct our review of a defendant's character by engaging in a broad consideration of his or her qualities. *Moyer*, 83 N.E.3d at 143. A defendant's life and conduct are illustrative of his or her character. *Morris v. State*, 114 N.E.3d 531, 539 (Ind. Ct. App. 2018), *trans. denied*. And a defendant's criminal history is one relevant factor in analyzing his or her character, the significance of which 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). However, "[e]ven a minor criminal record reflects poorly on a defendant's character[.]" *Reis*, 88 N.E.3d at 1105.

[13] Here, Godsey's criminal history consists of seven felony convictions, two misdemeanor convictions, and four failed probations. *See* Appellant's App., Vol. II at 74-77. Further, we have previously determined that committing a crime while awaiting trial or out on bail for a separate offense reflects poorly on character. *See Valle v. State*, 989 N.E.2d 1268, 1274 (Ind. Ct. App. 2013). At the time of the current offense Godsey had four pending cases, *see* Transcript of Evidence, Volume 2 at 19, and while this case was pending, Godsey was again charged with resisting law enforcement using a vehicle, possession of methamphetamine, possession of paraphernalia and a syringe, and false informing. *See* Appellant's App., Vol. II at 77-78.

[14] Godsey's character also does not warrant a reduction in his sentence.

Conclusion

[15] We conclude that Godsey's sentence was not inappropriate in light of the nature of the offense and his character. Accordingly, we affirm.

[16] Affirmed.

Bradford, C.J., and Altice, J., concur.