

MEMORANDUM DECISION

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

Margareta Palmer,
Appellant-Defendant,

v.

State of Indiana,
Appellee-Plaintiff.

December 1, 2022

Court of Appeals Case No.
22A-CR-1445

Appeal from the St. Joseph
Superior Court

The Honorable John M.
Marnocha, Judge

Trial Court Cause No.
71D02-2103-F6-232

Weissmann, Judge.

[1] Margareta Palmer appeals her maximum sentence of 2½ years in prison for Level 6 felony theft, arguing that the sentence is inappropriate under Indiana Appellate Rule 7(B). Considering that Palmer’s criminal history includes 20 convictions for either criminal conversion, theft, or forgery, we do not find her sentence inappropriate in light of the nature of the offense and her character. We therefore affirm.

Facts

[2] Palmer stole a \$97 coat from a Macy’s Department Store and was quickly apprehended in the parking lot by store employees. In her purse, Palmer carried three tools commonly used by thieves to remove security devices from store merchandise: (1) a strong magnet designed for removing round ink tags; (2) the hook component of a “gun” designed for removing other security devices; and (3) a two-pronged “screwdriver” used for prying. Tr. Vol. II, pp. 33-34; Exhs. p. 5. The store’s door alarms, however, had long been non-functional, and the coat Palmer stole was recovered with its security devices intact.

[3] The State charged Palmer with theft as both a Class A misdemeanor and a Level 6 felony, the latter based on an alleged prior theft conviction. The two counts were severed, and a jury found Palmer guilty of the misdemeanor. Palmer then waived her right to a jury trial on the felony charge and admitted to having a prior theft conviction. Due to double jeopardy concerns, the trial court entered judgment of conviction against Palmer on the felony only.

[4] At sentencing, the trial court was “shocked” by Palmer’s criminal history of 18 misdemeanor and 6 felony convictions, of which 20 were for either criminal conversion, theft, or forgery. Tr. Vol. II, pp. 127, 129. Highlighting the tools Palmer possessed at the time of the offense, the court characterized her as a “professional thief” and, ultimately, sentenced her to the maximum of 2½ years in prison. *Id.* at 129. Palmer appeals.

Discussion and Decision

[5] Palmer challenges her sentence under Indiana Appellate Rule 7(B), which permits this Court to “revise a sentence authorized by statute if, after due consideration of the trial court’s decision, the Court finds that the sentence is inappropriate in light of the nature of the offense and the character of the offender.” In reviewing the appropriateness of a sentence, our “principal role . . . is to attempt to leaven the outliers . . . not to achieve a perceived ‘correct’ sentence.” *Knapp v. State*, 9 N.E.3d 1274, 1292 (Ind. 2014) (internal citations and quotations omitted). We therefore give “substantial deference” and “due consideration” to the trial court’s sentencing decision. *Id.*

[6] Palmer characterizes her offense as “a petty theft of a singular item that did not cost more than one hundred dollars.” Appellant’s Br. p. 8. She notes that “[the stolen coat] was recovered with all security tags intact” and that “[it] went back into circulation for Macy’s for sale (sic).” *Id.* at 7. Therefore, according to Palmer, “Macy’s did not suffer any loss due to [her] actions.” *Id.* at 8. Though generally true, Palmer’s assertions ignore the premeditated nature of the theft.

She did not steal the coat on a whim; she went to Macy's for that specific purpose and brought with her three specialized tools to remove any security devices that may have stood in her way.

[7] Palmer does not argue that her sentence is inappropriate in light of her character—and for good reason. She has been convicted of 24 offenses over the last 26 years, including 4 convictions for felony theft, 2 convictions for felony forgery, and 14 convictions for either misdemeanor theft or criminal conversion. According to Palmer, she does not “[s]teal to be stealing.” App. Vol. II, p. 105. “People pay [her] to steal stuff,” and it “provide[s] for [her] and [her] family.” *Id.* As the trial court observed, Palmer is a professional thief.

[8] We do not find Palmer's 2½-year sentence inappropriate in light of the nature of her offense and her character. The judgment of the trial court is affirmed.

May, J., and Crone, J., concur.