MEMORANDUM DECISION

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IN THE COURT OF APPEALS OF INDIANA

James Bledsoe,
Appellant-Defendant,

v.

State of Indiana,
Appellee-Plaintiff

December 13, 2023

Court of Appeals Case No. 23A-CR-1861

Appeal from the Ripley Superior Court

The Honorable Jeffrey Sharp, Judge

Trial Court Cause No. 69D01-2202-F6-12

Memorandum Decision by Judge Crone
Judges Riley and Mathias concur.

Crone, Judge.

Case Summary

[1] James Bledsoe pled guilty to level 6 felony possession of methamphetamine and to being a habitual offender. The plea agreement provided for a four-year maximum sentence, and, following a sentencing hearing, the trial court imposed a four-year aggregate sentence. Bledsoe now appeals, claiming that his sentence is inappropriate in light of the nature of his offense and his character. Concluding that he has not met his burden to demonstrate that his sentence is inappropriate, we affirm.

Facts and Procedural History

[2] In January 2022, Bledsoe was on probation and living in a trailer with his elderly mother. During a probation office visit on January 26, Bledsoe provided a urine sample that tested positive for methamphetamine. Officers came out to search the trailer the following day. As officers arrived, they observed Bledsoe drive down the street and pull into the driveway. A driver's license check revealed that Bledsoe's license was suspended. Officers searched the trailer and found a used syringe in Bledsoe's bedroom. Bledsoe admitted that he and a female friend had used the syringe to inject methamphetamine a few days prior. The residue in the syringe tested positive for methamphetamine.

[3] The State charged Bledsoe with level 6 felony possession of methamphetamine, level 6 felony unlawful possession of a syringe, and class A misdemeanor driving while suspended. The State also alleged that Bledsoe was a habitual offender. On April 26, 2023, Bledsoe pled guilty to level 6 felony possession of

methamphetamine and to being a habitual offender in exchange for dismissal of the remaining charges and a four-year sentencing cap. The State agreed to "remain silent" and refrain from argument at sentencing. Appellant's App. Vol. 2 at 78. A sentencing hearing was scheduled for June 7, 2023. Bledsoe failed to appear, and a warrant was issued for his arrest. Bledsoe was subsequently arrested, and a sentencing hearing was held on July 12, 2023. The trial court sentenced him to two years for possession of methamphetamine, enhanced by two years for being a habitual offender, for an aggregate sentence of four years. This appeal ensued.

Discussion and Decision

[4] Bledsoe asks us to reduce his sentence pursuant to Indiana Appellate Rule 7(B), which states, "The Court may 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." When reviewing a sentence, our principal role is to leaven the outliers rather than necessarily achieve what is perceived as the correct result in each case. *Cardwell v. State*, 895 N.E.2d 1219, 1225 (Ind. 2008). "We do not look to determine if the sentence was appropriate; instead we look to make sure the sentence was not inappropriate." *Conley v. State*, 972 N.E.2d 864, 876 (Ind. 2012). Bledsoe bears the burden to show that his sentence is inappropriate. *Anglemyer v. State*, 868 N.E.2d 482, 490 (Ind. 2007), *clarified on reh'g* 875 N.E.2d 218.

[5] "[S]entencing is principally a discretionary function in which the trial court's judgment should receive considerable deference." *Cardwell*, 895 N.E.2d at 1222. "Such deference should prevail unless overcome by compelling evidence portraying in a positive light the nature of the offense (such as accompanied by restraint, regard, and lack of brutality) and the defendant's character (such as substantial virtuous traits or persistent examples of good character)." *Stephenson v. State*, 29 N.E.3d 111, 122 (Ind. 2015). As we assess the nature of the offense and character of the offender, "we may look to any factors appearing in the record." *Boling v. State*, 982 N.E.2d 1055, 1060 (Ind. Ct. App. 2013). Ultimately, whether a sentence should be deemed inappropriate "turns on our sense of the culpability of the defendant, the severity of the crime, the damage done to others, and myriad other factors that come to light in a given case." *Cardwell*, 895 N.E.2d at 1224.

[6] Regarding the nature of the offense, we observe that "the advisory sentence is the starting point the Legislature selected as appropriate for the crime committed." *Fuller v. State*, 9 N.E.3d 653, 657 (Ind. 2014). The sentencing range for a level 6 felony is between six months and two and a half years, with an advisory sentence of one year. Ind. Code § 35-50-2-7. Indiana Code Section 35-50-2-8 provides that a person convicted of a level 6 felony who is found to be a habitual offender shall be sentenced to an additional fixed term between two and six years. Pursuant to the plea agreement sentencing cap, the trial court here imposed a four-year aggregate sentence which was well below the maximum statutory sentence.

[7] Bledsoe urges that he should have been given an even lesser sentence because his conduct of possessing methamphetamine did not harm any other person. Be that as it may, it is well established that "[a] defendant's conscious choice to enter a plea agreement that limits the trial court's discretion to a sentence less than the statutory maximum should usually be understood as strong and persuasive evidence of sentence reasonableness and appropriateness." *Merriweather v. State*, 151 N.E.3d 1281, 1286 n.2 (Ind. Ct. App. 2020) (quoting *Childress v. State*, 848 N.E.2d 1073, 1081 (Dickson, J., concurring)). Bledsoe's agreement here is strong and persuasive evidence that the four-year sentence imposed is not inappropriate in light of the nature of his offense, and he fails to offer us compelling evidence that would persuade us that a sentence reduction is warranted.

[8] We reach a similar conclusion when considering Bledsoe's character. An offender's character is shown by his "life and conduct." *Adams v. State*, 120 N.E.3d 1058, 1065 (Ind. Ct. App. 2019). We assess a defendant's character by engaging in a broad consideration of his qualities. *Madden v. State*, 162 N.E.3d 549, 564 (Ind. Ct. App. 2021). A typical factor we consider when examining a defendant's character is criminal history. *McFarland v. State*, 153 N.E.3d 369, 374 (Ind. Ct. App. 2020), *trans. denied* (2021).

[9] Bledsoe's criminal history is quite lengthy, beginning in 1996. Over the years, Bledsoe has been convicted of numerous misdemeanors (twelve) and felonies (five), for primarily drug-related crimes, and he admits to being a daily methamphetamine user as well as a regular abuser of heroin and cocaine. His

poor character is also reflected in the fact that he has violated probation at least twenty times, and he was arrested and charged with the current offense while on probation. Bledsoe blames his criminal behavior on drug addiction, and he insists that his good character is demonstrated by the fact that he has been a caregiver for his elderly mother and his son, a business owner, and a person who "was hailed by his family and friends as a caring and helpful person." Appellant's Br. at 12. Therefore, he argues, the trial court owed him the "mercy to allow him to continue being productive and providing for his family." *Id*. To the contrary, we agree with the trial court that, absent the plea agreement sentencing cap, Bledsoe's "criminal history alone here would have justified a fully maxed sentence[.]" Tr. Vol. 2 at 31. He has not shown that the four-year sentence imposed by the trial court was inappropriate in light of his character. We affirm the sentence.

[10] Affirmed.

Riley, J., and Mathias, J., concur.