

Appellant-Defendant, Jose Alfredo Brena, appeals following his guilty plea and conviction for Class A felony Dealing in Methamphetamine,¹ for which he received a thirty-year advisory sentence. On appeal, Brena challenges the appropriateness of his sentence in light of his character and the nature of his offense. We affirm.

FACTS AND PROCEDURAL HISTORY

On September 8, 2005, Brena and his sister delivered 233.15 grams of methamphetamine to a source cooperating with the authorities in Elkhart County pursuant to arrangements made earlier that day between Brena and the cooperating source. On September 14, 2005, the State filed an information charging Brena with dealing in methamphetamine as a Class A felony. On October 20, 2006, the State filed an amended information adding a second offense, a charge for dealing in a schedule II controlled substance as a Class B felony.

On February 22, 2007, Brena pled guilty to dealing in methamphetamine as a Class A felony. In exchange for Brena's plea, the State dismissed the charge for dealing in a schedule II controlled substance and agreed that his executed sentence would be capped at thirty years. Brena was sentenced to the thirty-year advisory sentence for a Class A felony on April 5, 2007. This appeal follows.

DISCUSSION AND DECISION

Brena argues that we should exercise the authority granted to this court by Appellate Rule 7(B) and revise his thirty-year sentence, which he believes is

¹ Ind. Code § 35-48-4-1(a)(1)(C) and (b)(1) (2005).

inappropriate in light of the nature of his offense and his character. This court has the constitutional authority to revise a sentence pursuant to Appellate Rule 7(B) if we find that it is inappropriate in light of the nature of the offense and the character of the offender; however, our review of any sentence is deferential to the trial court's decision. Ind. Appellate Rule 7(B); *Martin v. State*, 784 N.E.2d 997, 1013 (Ind. Ct. App. 2003). If the sentence imposed is lawful, we will not reverse unless the sentence is inappropriate based on the character of the offender and the nature of the offense. *Boner v. State*, 796 N.E.2d 1249, 1254 (Ind. Ct. App. 2003). The burden lies with the defendant to persuade this court that his or her sentence is inappropriate. *Anglemyer v. State*, 868 N.E.2d 482, 494 (Ind. 2007) (citing *Childress v. State*, 848 N.E.2d 1073, 1080 (Ind. 2006)).

Brena contends that the nature of his offense, dealing methamphetamine, does not justify the imposition of the thirty-year sentence, which was the maximum allowed in his plea agreement. We disagree. Brena argues that the nature of his crime does not warrant the thirty-year advisory sentence because the severity of his actions was mitigated by the fact that, at the time of the delivery, he was unarmed, thus making it less likely that any serious violence or physical injury would result from the transaction or his ensuing arrest. We find this argument unpersuasive. The facts show that Brena delivered roughly half a pound (233.15 grams) of methamphetamine to the State's cooperating source. The substantial amount of methamphetamine involved in this transaction highlights the egregiousness of Brena's offense and, as a result, we are unpersuaded that Brena's sentence is inappropriate in light of his offense.

Brena further argues that his sentence is inappropriate in light of his character. Brena, who was nineteen years old when he committed this offense, claims that he has accepted responsibility for his actions and is working to overcome the addictions that have plagued him since he began using drugs when he was eleven years old. Brena also claims that he wants to do better and be a good role model for his son, whom he has never met. We, however, are unpersuaded by Brena's claims.

The record shows that Brena has a substantial criminal history for someone of such a young age which includes juvenile adjudications for burglary, theft, false public service, possession of marijuana, and resisting law enforcement. His record also includes numerous convictions as an adult, including operating a vehicle without ever receiving a license, false informing, dealing/possession of marijuana, and domestic battery. Brena has previous probation violations and was enrolled in the St. Joseph County deferral program to earn misdemeanor treatment of his felony conviction for a dealing/possession of marijuana charge when he committed the instant offense. Brena's history clearly suggests that he has had numerous opportunities to reform his behavior, but thus far has refused to do so. Brena has failed to persuade us that his sentence was inappropriate in light of his character. Having concluded that the thirty-year sentence was appropriate based on both the nature of the offense and the character of the offender, we now affirm the sentence imposed by the trial court.

The judgment of the trial court is affirmed.

NAJAM, J., and MATHIAS, J., concur.