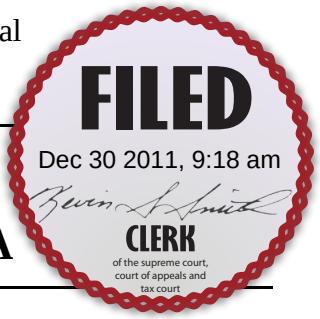
ATTORNEY FOR APPELLANT:

PETER D. TODD
Indianapolis, Indiana

ATTORNEYS FOR APPELLEE:

GREGORY F. ZOELLER
Attorney General of Indiana

GARY R. ROM
Deputy Attorney General
Indianapolis, Indiana



IN THE COURT OF APPEALS OF INDIANA

THAD SUGGS III,	)	
	)	
Appellant-Defendant,	)	
	)	
vs.	)	No. 20A03-1105-CR-240
	)	
STATE OF INDIANA,	)	
	)	
Appellee-Plaintiff.	)	

APPEAL FROM THE ELKHART SUPERIOR COURT
The Honorable Charles Carter Wicks, Judge
Cause No. 20D05-1101-FC-1

December 30, 2011

MEMORANDUM DECISION - NOT FOR PUBLICATION

MAY, Judge

Thad Suggs III appeals his sentence for Class C felony operating a motor vehicle while privileges are forfeited for life.[1] We affirm.

FACTS AND PROCEDURAL HISTORY

On January 3, 2011, Suggs attempted to drive to the hospital to seek medical attention for a cut on his hand. Suggs knew he was an habitual traffic offender and that he had forfeited his driver's license for life. The State charged Suggs with Class C felony operating a motor vehicle while privileges are forfeited for life. Suggs entered a plea of guilty to the charge against him without the benefit of a plea agreement. After a hearing, the court pronounced an eight-year sentence, which is the maximum permitted for a Class C felony. *See* Ind. Code § 35-50-2-6 (setting sentencing range at two to eight years).

DISCUSSION AND DECISION

When the trial court imposes a sentence within the statutory range, we review that sentence for an abuse of discretion.[2] *Anglemyer v. State*, 868 N.E.2d 482, 490 (Ind. 2007), *clarified on reh'g* 875 N.E.2d 218 (Ind. 2007). We may reverse a decision that is "clearly against the logic and effect of the facts and circumstances before the court, or the reasonable, probable, and actual deductions to be drawn therefrom." *Id*. (quoting *In re L.J.M.*, 473 N.E.2d 637, 640 (Ind. Ct. App. 1985)).

Our review of the trial court's exercise of discretion in sentencing includes an

[1] Ind. Code § 9-30-10-17.

[2] Suggs appears to argue his sentence is inappropriate based on his character and the nature of the offense, pursuant to Ind. Appellate Rule 7(B). However, he does not offer argument supported with cogent reasoning and citation to the record, thus that allegation of error is waived. *See* App. R. 46(A)(8)(a); *Matheney v. State*, 688 N.E.2d 883, 907 (Ind. 1997) (finding issue waived for failure to make cogent argument).

examination of its reasons for imposing the sentence. *Id*. "This necessarily requires a statement of facts, in some detail, which are peculiar to the particular defendant and the crime . . . [and] such facts must have support in the record." *Id.* The trial court is not required to find mitigating factors or give them the same weight that the defendant does. *Flickner v. State*, 908 N.E.2d 270, 273 (Ind. Ct. App. 2009). However, a court abuses its discretion if it does not consider significant mitigators advanced by the defendant and clearly supported by the record. *Anglemyer*, 868 N.E.2d at 490.

Suggs argues the trial court did not give the proper weight to his guilty plea when listing it as a mitigator. But once aggravators and mitigators have been identified, the trial court has no obligation to weigh those factors. *Id*. at 491. Nor, as stated above, is the trial court obliged to give a mitigator the same weight that the defendant would. *Flickner*, 908 N.E.2d at 273. On appeal, we do not reweigh the aggravators and mitigators presented. *Anglemyer*, 868 N.E.2d at 491.

Suggs also argues the trial court should have found as a mitigator that Suggs was driving to seek medical care. Suggs presented to the court a medical records indicating he received treatment for a hand laceration on the date of the driving incident. Although the injury was not an extreme emergency, and thus was not a defense to his crime, Suggs felt his health-related reason for driving should be mitigating. However, a trial court is not obliged to explain why it chose not to find a proposed mitigating circumstance. *Roush v. State*, 875 N.E.2d 801, 811 (Ind. Ct. App. 2007).

The trial court found as an aggravator Suggs' five prior felony convictions, three of

which also were for driving while his privileges were forfeited for life. We cannot say the trial court abused its discretion when it imposed the maximum sentence. Accordingly, we affirm.

Affirmed.

NAJAM, J., and RILEY, J., concur.