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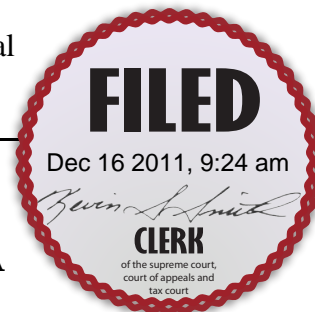
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**IN THE  
COURT OF APPEALS OF INDIANA**

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ROBERT MORELOCK,  
Appellant-Defendant,

vs.

STATE OF INDIANA,  
Appellee-Plaintiff.

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No. 29A02-1108-CR-736

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APPEAL FROM THE HAMILTON SUPERIOR COURT  
The Honorable William J. Hughes, Judge  
Cause No. 29D03-1012-FD-472

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**December 16, 2011**

**MEMORANDUM DECISION - NOT FOR PUBLICATION**

**VAIDIK, Judge**

## **Case Summary**

Robert Morelock appeals his three-year sentence for Class D felony invasion of privacy. He contends that his sentence is inappropriate in light of the nature of the offense and his character. Because we conclude that Morelock has failed to persuade us that his sentence is inappropriate in light of the nature of the offense and his character, we affirm.

## **Facts and Procedural History**

In November 2010, Morelock mailed a letter from the Westville Correctional Facility, where he was incarcerated, to the home of his ex-wife, Rebecca Thompson. Morelock mailed this letter to Thompson's home despite his knowledge that a protective order was in place that prohibited Morelock from having any contact with Thompson. When Thompson received the letter from Morelock, she contacted the police. The State charged Morelock with Class A misdemeanor invasion of privacy and Class D felony invasion of privacy.

In June 2011, Morelock pled guilty to Class D felony invasion of privacy as part of a plea agreement. The agreement provided that Morelock's sentence would be left to the discretion of the trial court. One month later, the trial court conducted a sentencing hearing. The court sentenced Morelock to three years in the Indiana Department of Correction. Morelock now appeals.

## **Discussion and Decision**

Morelock contends that his three-year sentence is inappropriate in light of the nature of the offense. We disagree.

Although a trial court may have acted within its lawful discretion in imposing a sentence, Article 7, Sections 4 and 6 of the Indiana Constitution authorize independent appellate review and revision of sentences through Indiana Appellate Rule 7(B), which provides that a 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.” *Reid v. State*, 876 N.E.2d 1114, 1116 (Ind. 2007) (citing *Anglemyer v. State*, 868 N.E.2d 482, 491 (Ind. 2007), *clarified on reh’g*, 875 N.E.2d 218 (Ind. 2007)). The defendant has the burden of persuading us that his sentence is inappropriate. *Id.* (citing *Childress v. State*, 848 N.E.2d 1073, 1080 (Ind. 2006)).

Morelock pled guilty to a Class D felony and was sentenced to three years in the DOC. The statutory range for a Class D felony is between six months and three years, with the advisory sentence being one and a half years. Ind. Code § 35-50-2-7(a).

As to the character of the offender, Morelock has an extensive criminal history. His presentence investigation report lists three misdemeanor convictions for operating a vehicle while intoxicated, a misdemeanor conviction for battering Thompson, and a previous misdemeanor conviction for invasion of privacy, also regarding Thompson. PSI p. 3-6. Morelock also has numerous felony convictions, including three convictions for operating a vehicle while intoxicated and a conviction for operating a vehicle as a habitual traffic offender. *Id.* He has repeatedly violated the terms of his probation and was incarcerated when he committed this offense. Notably, this is Morelock’s second conviction for violating a no-contact order regarding Thompson. Though Morelock calls

our attention to his enrollment in college courses and his plan to seek substance abuse counseling, his recidivism shows that he has not been deterred from criminal activity through his previous contacts with the criminal justice system.

Regarding the nature of the offense, Morelock sent a letter to Thompson's home despite his knowledge that a no-contact order was in place. Thompson had been physically abused and threatened by Morelock in the past and was "scared to death" when she received a letter from her abuser at her home. Tr. p. 33. Morelock claims the letter contained a request for addresses of friends and family members, which he needed in order to mail Christmas cards. The alleged intent of Morelock's communication does not sway us. For the second time, Morelock knowingly violated a no-contact order in place to protect a victim of his past violent conduct.

In light of these facts and circumstances, we cannot say that Morelock's three-year sentence is inappropriate in light of the nature of the offense and his character.

Affirmed.

ROBB, C.J., and NAJAM, J., concur.