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**IN THE
COURT OF APPEALS OF INDIANA**

CECIL SADLER,)

Appellant-Petitioner,)

vs.)

STATE OF INDIANA,)

Appellee-Respondent.)

No. 82A01-0706-PC-256

APPEAL FROM THE VANDERBURGH CIRCUIT COURT
The Honorable David D. Kiely, Magistrate
Cause No. 82C01-9402-CF-43

November 14, 2007

MEMORANDUM DECISION - NOT FOR PUBLICATION

BAKER, Chief Judge

Appellant-petitioner Cecil Sadler appeals the post-conviction court's denial of his motion to correct erroneous sentence. Sadler was convicted of murder and class A felony attempted robbery on February 1, 1995, and was ultimately sentenced to fifty years for murder and twenty-five years for attempted robbery. Sadler directly appealed and a panel of this court affirmed in part, reversed in part, and remanded with instructions that the attempted robbery conviction be reduced to a class C felony. Sadler v. State, No. 82A01-9506-CR-166 (Ind. Ct. App. Mar. 29, 1996). On April 16, 1996, Sadler was resentenced to fifty years for murder and eight years for class C felony attempted robbery, to be served consecutively. Sadler has unsuccessfully sought post-conviction relief numerous times, and on February 6, 2007, Sadler filed a motion to correct erroneous sentence, alleging that the trial court did not have the statutory authority to impose consecutive sentences. The post-conviction court denied Sadler's motion on February 8, 2007, and Sadler now appeals.

Sadler contends that the trial court lacked the statutory authority to impose consecutive sentences. Sadler did not raise this argument in his direct appeal; consequently, he has waived it. Rouster v. State, 705 N.E.2d 999, 1003 (Ind. 1999) (holding that petitioner waives claims known on direct appeal but not raised at that time). Waiver notwithstanding, we note that although Indiana Code section 35-50-1-2 applies a cap on consecutive sentences, it exempts crimes of violence from that cap. Inasmuch as Sadler was convicted of murder, a crime of violence, the trial court was not required to heed the limitation on consecutive sentences provided by the statute. Sadler argues that because his other conviction was for attempted robbery, which is not a crime of violence, the limitation applies.

Our Supreme Court, however, has explicitly held that “limitations on consecutive sentencing do not apply between crimes of violence and those that are not crimes of violence.” Williams v. State, 741 N.E.2d 1209, 1214 (Ind. 2001). Thus, the post-conviction court properly denied Sadler’s motion to correct erroneous sentence.

The judgment of the post-conviction court is affirmed.

MAY, J., and CRONE, J., concur.