

Case Summary

Philip Knott appeals his eight-year executed sentence for six counts of Class C felony burglary. We affirm.

Issue

We address one issue, which we restate as whether Knott was properly sentenced.

Facts

On March 27, 2007, Knott was charged with six counts of Class C felony burglary, three counts of Class D felony theft, and two counts of Class A misdemeanor criminal mischief. On April 22, 2008, the State moved to add a Habitual Offender count. Knott pled guilty to six counts of Class C felony burglary on April 24, 2008, and the State dismissed the remaining charges. The trial court then sentenced Knott to an eight-year executed sentence for each burglary count, and ordered the sentences to be served concurrently. Knott now appeals his sentence.

Analysis

It is well settled that sentencing decisions rest within the sound discretion of the trial court. Anglemyer v. State, 868 N.E.2d 482, 490 (Ind. 2007). A trial court's sentencing decisions are subject to review only for abuse of discretion. Id.

Although a trial court may have acted within its sound discretion in determining a sentence, Article VII, Sections 4 and 6 of the Indiana Constitution “authorize[] . . . independent appellate review and revision of a sentence imposed by the trial court.” Anglemyer, 868 N.E.2d at 491. Applied through Indiana Appellate Rule 7(B), this

authority allows a court to “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.” Id. Additionally, a defendant bears the burden of persuading the appellate court that his or her sentence is inappropriate. Childress v. State, 848 N.E.2d 1073, 1080 (Ind. 2006).

In challenging his eight-year executed sentence for six counts of Class C felony burglary, Knott argues that his sentence is inappropriate in light of the nature of the offense and his character. In reviewing the appropriateness of a sentence, we exercise a certain amount of deference when reviewing the trial court’s sentencing decision “both because Rule 7(B) requires us to give ‘due consideration’ to that decision and because we understand and recognize the unique perspective a trial court brings to its sentencing decisions.” See Rutherford v. State, 866 N.E.2d 867, 873 (Ind. App. Ct. 2007). We conclude Knott has not carried his burden of persuading us that his sentence is inappropriate.

As to the nature of the offense, Knott draws attention to the fact that he burglarized “an unoccupied building with a minimum of property damage and loss.” Appellant’s Br. p. 4. In light of this, his crimes “were not committed in an egregious way.” Id. While Knott’s offenses may not be particularly egregious in isolation, he burglarized the medical offices of six different physicians. In addition, the sentence imposed is within the statutory limit for a class C felony conviction. This determination

necessarily reflects society's view as to the seriousness of Knott's conduct. We therefore decline to adopt Knott's argument that the seriousness of his offense is minimal.

As to his character, we recognize Knott's willingness to accept responsibility for his actions weighs in his favor. Nevertheless, the record reveals that Knott has a lengthy criminal history involving numerous burglary convictions. In addition, Knott has violated probation twice. We find that this reflects poorly on his character.

The nature of the offense justifies Knott's sentence. Moreover, we find his lengthy criminal history—involving the very conduct at issue in this case—reflects poorly on his character. We cannot say that his eight-year executed sentence is inappropriate.

Conclusion

Knott's eight-year executed sentence is appropriate in light of his character and the nature of the offense. We affirm.

Affirmed.

BAILEY, J., and MATHIAS, J., concur.