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**IN THE
COURT OF APPEALS OF INDIANA**

SHANE O. BRIGHT,)
)
Appellant-Defendant,)
)
vs.)
)
STATE OF INDIANA,)
)
Appellee-Plaintiff.)

No. 58A01-1005-CR-243

APPEAL FROM THE OHIO CIRCUIT COURT
The Honorable James D. Humphrey, Judge
Cause No. 58C01-0902-FB-2

February 2, 2011

MEMORANDUM DECISION – NOT FOR PUBLICATION

RILEY, Judge

STATEMENT OF THE CASE

Appellant-Defendant, Shane O. Bright (Bright), appeals his sentence following a guilty plea to possession of methamphetamine with a firearm, a Class C felony, Ind. Code § 35-48-4-6.1, and possession of cocaine, a Class D felony, I.C. § 35-48-4-6.¹

We affirm.

ISSUE

Bright raises one issue for our review, which we restate as follows: Whether his sentence is appropriate in light of his character and the nature of his offense.

FACTS AND PROCEDURAL HISTORY

On October 7, 2008, the Indiana State Police received information about a methamphetamine laboratory on property located in Aurora, Indiana. Bright was one of the residents of that property. After investigating the tip, the police obtained and executed a search warrant. During the search, the police found precursors, items associated with manufacturing of methamphetamine, and a firearm.

On February 3, 2009, the State filed an Information charging Bright with Count I, conspiracy to commit dealing in (manufacturing) methamphetamine, I.C. §§ 35-48-4-1.1; 35-41-5-2, a Class B felony; Count II, dealing in (manufacturing) methamphetamine, I.C. § 35-48-4-1.1(a)(1)(A), a Class B felony; Count III, illegal drug labs, possession or sale of precursors, I.C. § 35-48-4-14.5(a), a Class D felony; Count IV, maintaining a common nuisance, I.C. § 35-48-4-13(b)(2), a Class D felony; Count V, illegal drug labs, possession or

¹ Possession of cocaine was entered as a Class A misdemeanor.

sale of precursors, I.C. § 35-48-4-14.5(c), a Class D felony; Count VI, illegal drug labs, possession or sale of precursors (possession of firearm), I.C. § 35-48-4-14.5(c)(1), a Class C felony; Count VII, serious violent felon, possession of firearm, I.C. § 35-47-4-5(b)(24), a Class B felony; Count VIII, possession of marijuana, I.C. § 35-48-4-11, a Class A misdemeanor; Count IX, possession of paraphernalia, I.C. § 35-48-4-8.3, a Class A misdemeanor; Count X, taking child to nuisance, I.C. § 35-48-4-13.3, a Class A misdemeanor; Count XI, possession of methamphetamine with a firearm, I.C. § 35-48-4-6.1(b)(1)(B), a Class C felony; Count XII, possession of cocaine with a firearm, I.C. § 35-48-4-6(b)(1)(B), a Class C felony; Count XIII, possession of methamphetamine, I.C. § 35-48-4-6.1, a Class D felony; and Count XIV, possession of cocaine, I.C. § 35-48-4-6, a Class C felony.

On February 26, 2010, the State amended the Information by striking Counts VIII, X, XIII, and XIV. On March 9, 2010, Bright entered into a plea agreement with the State, whereby he agreed to plead guilty to possession of methamphetamine with a firearm, a Class C felony, and possession of cocaine, amended to a Class D felony, which would be entered as a Class A misdemeanor. In exchange, the State dismissed the remaining Counts.

At the April 16, 2010 sentencing hearing, the trial court found that aggravating factors substantially outweighed mitigating factors. On May 3, 2010, the trial court sentenced Bright to eight years for possession of methamphetamine with a firearm, and to one year for possession of cocaine, with sentences to run consecutively and to be executed at the Indiana Department of Correction.

Bright now appeals. Additional facts will be provided as necessary.

DISCUSSION AND DECISION

Bright claims that the sentence imposed by the trial court is not appropriate in light of his character and the nature of the crime. Pursuant to Indiana Appellate Rule 7(B), we may revise a sentence otherwise 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.” Although we have the power to review and revise sentences, “[t]he principal role of appellate review should be to attempt to leaven the outliers, and identify some guiding principles for trial courts and those charged with improvement of the sentencing statutes, but not to achieve a perceived ‘correct’ result in each case.” *Cardwell v. State*, 895 N.E.2d 1219, 1225 (Ind. 2008). On appeal, it is the defendant’s burden to persuade us that the sentence imposed by the trial court is inappropriate. *Childress v. State*, 848 N.E.2d 1073, 1080 (Ind. 2006). Bright has not met this burden.

Indiana’s present sentencing scheme provides that a person who commits a Class C felony could be imprisoned for a fixed term between two and eight years. I.C. § 35-50-2-6. It also provides that a person who commits a Class A misdemeanor could be imprisoned for a fixed term of not more than one year. I.C. § 35-50-3-2. Here, the trial court sentenced Bright to eight years for a Class C felony and to one year for a Class A misdemeanor. Both sentences represented the high end of the statutory range.

With regard to the character of the offender, we note that Bright has an extensive criminal history. He had eight prior convictions, including a prior involvement with

methamphetamine precursors. Bright's criminal record began in 1997; his most recent incarceration in the Indiana Department of Correction was in 2007. Bright's long list of criminal activity included, among other things, two arrests for dealing in a schedule II controlled substance, a conviction for unlawful transportation of anhydrous ammonia, and false informing. Many of Bright's past arrests occurred while he was either out on bond or on probation. Bright's repeated offenses, violations, and substance abuse problems manifest that he learned nothing from his previous encounters with the criminal justice system.

With regard to the nature of the offense, we note that Bright pled guilty to possession of methamphetamine with a firearm and possession of cocaine. Both are serious offenses, especially in light of Bright's prior involvement in methamphetamine precursors and schedule II controlled substances. Moreover, Bright was on probation at the time of this offense. As such, Bright has failed to show that his sentence is inappropriate in light of his character and the nature of the crime.

CONCLUSION

Based on the foregoing, we conclude that the trial court's sentence was appropriate.

Affirmed.

ROBB, C.J., and BROWN, J., concur.