



Appellant-Defendant James R. Lancaster challenges his ten-year sentence imposed by the trial court following his guilty plea and conviction for Burglary, a Class B felony.<sup>1</sup> On appeal, Lancaster contends that his sentence is inappropriate. We affirm.

### **FACTS AND PROCEDURAL HISTORY**

On January 10, 2007, Lancaster broke into the home of his victim, a Ms. Webb, and stole computers from her home. On April 2, 2007, the State charged Lancaster with burglary as a Class B felony. Lancaster pled guilty to the burglary charge on July 1, 2008. The trial court conducted a sentencing hearing on August 12, 2008, at which time the court sentenced Lancaster to ten years of incarceration and ordered that Lancaster's sentence be served consecutively to his forty-year sentence stemming from an unrelated armed robbery conviction in Elkhart County. Lancaster now appeals his sentence.

### **DISCUSSION AND DECISION**

Lancaster contends that his ten-year advisory sentence for Class B felony burglary is inappropriate. *See* Ind. Code § 35-50-2-5 (providing that the advisory sentence for a Class B felony is ten years). This court has the constitutional authority to revise a sentence pursuant to Appellate Rule 7(B) if we find that it is inappropriate in light of the nature of the offense and the character of the offender; however, our review of any sentence is very deferential to the trial court's decision. Ind. Appellate Rule 7(B); *Martin v. State*, 784 N.E.2d 997, 1013 (Ind. Ct. App. 2003). The burden lies with the defendant to persuade this court that his or her

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<sup>1</sup> Ind. Code § 35-43-2-1 (2006).

sentence is inappropriate. *Anglemyer v. State*, 868 N.E.2d 482, 494 (Ind. 2007) (citing *Childress v. State*, 848 N.E.2d 1073, 1080 (Ind. 2006)).

Lancaster claims that his sentence is inappropriate because he has accepted responsibility for his actions and pled guilty, and also because he is currently working to further his education while incarcerated. However, to the extent that Lancaster's guilty plea and desire to further his education while incarcerated may reflect favorably on his character, his extensive criminal history undoubtedly reflects unfavorably on his character. Lancaster's extensive criminal history includes nine felony and three misdemeanor convictions, including convictions for theft, possession of cocaine, burglary, forgery, home invasion, armed robbery, resisting law enforcement, and operating a motor vehicle as a habitual offender. Lancaster's extensive criminal history reflects unfavorably upon his character.

Likewise, with respect to the nature of his crime, the record establishes that Lancaster broke into the home of a victim whom he knew to own computers, and, for no apparent reason, stole those computers. In light of the nature of this offense and Lancaster's character, we conclude Lancaster's ten-year advisory sentence is appropriate.<sup>2</sup>

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<sup>2</sup> To the extent that Lancaster claims that the trial court erred in ordering that his sentence in the instant matter be served consecutively to the forty-year sentence imposed as a result of his Elkhart County armed robbery conviction pursuant to Indiana Code section 35-50-1-2(d) (2006), Lancaster's argument is misplaced. Indiana Code section 35-20-1-2, in pertinent part, establishes that the trial court may exercise its discretion and order multiple sentences to be served consecutively to one another under most circumstances, *see* subsection (c), but that under certain circumstances, the trial court must order multiple sentences to be served consecutively to one another, *see* subsection (d). Lancaster, relying on subsection (d) argues that the trial court was not required to order that the sentences in question be served consecutively. Even assuming that Lancaster is correct that his sentence in the instant matter and his sentence for his armed robbery conviction in Elkhart County were not required to be run consecutively pursuant to subsection (d), we observe that the trial court did not order the sentences run consecutively pursuant to subsection (d), but rather appeared to exercise its discretion in ordering that the sentences run consecutively pursuant to subsection (c). Lancaster raised no argument regarding the trial court's order that the sentences be served consecutively to subsection (c), and

The judgment of the trial court is affirmed.

FRIEDLANDER, J., and MAY, J., concur.

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therefore Lancaster has waived the issue on appeal. *Davis v. State*, 835 N.E.2d 1102, 1113 (Ind. Ct. App. 2005) (providing that a party waives an issue where the party fails to develop a cogent argument or provide adequate citation to authority and portions of the record), *trans. denied*. Waiver notwithstanding, Lancaster's consecutive sentence is justified by his extensive and felonious criminal history.