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**IN THE  
COURT OF APPEALS OF INDIANA**

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SHEDRICK B. DUCKETT,  
Appellant-Defendant,

vs.

STATE OF INDIANA,  
Appellee-Plaintiff.

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No. 45A03-0806-CR-285

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APPEAL FROM THE LAKE SUPERIOR COURT  
The Honorable Thomas P. Stefaniak, Jr., Judge  
Cause No. 45G04-0602-FB-19

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**March 27, 2009**

**MEMORANDUM DECISION - NOT FOR PUBLICATION**

**VAIDIK, Judge**

## Case Summary

After a jury trial, Shedrick B. Duckett was convicted of Class B felony dealing in cocaine. The trial court sentenced him to the maximum sentence of twenty years, and Duckett appeals, contending that his sentence is inappropriate pursuant to Indiana Appellate Rule 7(B). Concluding that Duckett's sentence is not inappropriate, we affirm.

## Facts and Procedural History

On February 8, 2006, members of the Hammond Police Department met with a confidential informant in order to conduct a controlled buy of narcotics from Duckett. Officers searched the informant to ensure that she had no contraband in her possession, outfitted her with a video recording device, and provided her with money with which to purchase crack cocaine. The informant then went to Duckett's residence, where she purchased a \$20 bag of crack cocaine from Duckett.

Later the same day, the officers conducted another controlled buy from Duckett. After officers searched the same confidential informant for contraband, they equipped her with an audio-video transmitter and provided her with photocopied "buy money." The informant then met with Duckett in the street and purchased two bags of crack cocaine.

The State charged Duckett with two counts of Class B felony dealing in cocaine.<sup>1</sup> Duckett was tried *in absentia* by a jury and convicted of one count of Class B felony dealing in cocaine. After a sentencing hearing at which Duckett again failed to appear, the trial court sentenced Duckett to twenty years in the Department of Correction. Duckett now appeals.

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<sup>1</sup> Ind. Code § 35-48-4-1(a)(1)(C).

## Discussion and Decision

Duckett raises one issue on appeal: whether his twenty-year sentence is inappropriate in light of the nature of the offense and his character.<sup>2</sup> Although a trial court may have acted within its lawful discretion in imposing a sentence, Article VII, 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 burden is on the defendant to persuade us that his or her sentence is inappropriate. *Id.* (citing *Childress v. State*, 848 N.E.2d 1073, 1080 (Ind. 2006)).

Regarding the nature of the offense, Duckett characterizes his behavior as a “small-time drug buy with no attendant violence or exceptional circumstances.” Appellant’s Br. p. 6. The State responds that while the nature of the crack cocaine sale was “not particularly aggravating, it [was] not unusual of most Class B felony drug deals.” Appellee’s Br. p. 4. Although we recognize that the nature of Duckett’s offense

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<sup>2</sup> Duckett frames his argument solely as whether his sentence is inappropriate. However, he includes within this argument the contention that the trial court should have recognized several proffered mitigating circumstances. Appellant’s Br. p. 5. Whether a trial court has abused its discretion by improperly recognizing aggravators and mitigators when sentencing a defendant and whether a defendant’s sentence is inappropriate under Indiana Appellate Rule 7(B) are two distinct analyses. *King v. State*, 894 N.E.2d 265, 267 (Ind. Ct. App. 2008). Because Duckett frames his argument as one made under Indiana Appellate Rule 7(B), we so confine our discussion.

was not particularly egregious compared to other similar offenses, Duckett's character is another story.

Regarding Duckett's character, he has shown disrespect time after time for the laws of Indiana and Illinois. At the sentencing hearing, the trial court articulated Duckett's extensive criminal history as follows:

[I]n 1992, the defendant was arrested for possession of a controlled substance. In 1993, he got thirteen months of probation. In 1995, a probation revocation was granted and the defendant got eighteen months Department of Corrections. Also, in 1993, the defendant was arrested for possession of a controlled substance, a felony, he got eighteen months, Department of Corrections in 1994.

In 1994, also under the name, Chris Barnes, the Defendant pled guilty to possession of a controlled substance, a felony, he got six months home confinement, then three months later, he got eighteen months, Indiana Department of Corrections. In 1995, also the Defendant was arrested and convicted of auto theft, in 1996 he got three years Department of Corrections. In 1996 again, the Defendant was arrested for possession of a controlled substance, a felony, he got one year in the Illinois Department of Corrections. In the year 2000, the Defendant got arrested for criminal trespass, to a vehicle, a misdemeanor, got two days Cook County Jail. In 2001, the defendant pled guilty to possession of a controlled substance, got one year Illinois Department of Corrections, released and placed on Correctional Supervision, discharged from supervision in 2002. December of 2001, the Defendant pled guilty to manufacturing or delivery, one to fifteen grams of cocaine, a felony. In 2002 got four years, Department of Corrections, released to Correctional Supervision in December of 2003. Then in 2004, the Defendant was arrested and convicted of possession of a controlled substance, a felony, got three years, six months, Illinois Department of Corrections, released to the Correctional Supervision in 2005, discharged 9-22-06.

It appears the defendant was on probation or parole for this offense at the time this current offen[s]e was committed in that the offense date was February 8, 2006.

Tr. p. 120-22. Duckett, who was not present for either his trial or his sentencing hearing because he disappeared and at some point absconded to Illinois, *see id.* at 115-16; Appellant's App. p. 67-70, 78, has engaged in repeated serious criminal activity since

1992 and has hidden behind ten different aliases during this time, Tr. p. 120. Duckett's paternity of a young child does nothing to offset what his criminal record says about his character. There is simply no evidence in the record that he shoulders any responsibility for the child's care. In light of Duckett's character, there is nothing inappropriate about his twenty-year sentence for dealing in cocaine.

Affirmed.

RILEY, J., and DARDEN, J., concur.