



Defendant-Appellant Jeffrey Lynn Watson appeals the sentence the trial court imposed for his four convictions of dealing in methamphetamine, all Class B felonies. Ind. Code § 35-48-4-1.1 (2006). We affirm.

On July 15, 2008, and August 15, 2008, Watson dealt methamphetamine to confidential informants. On April 2, 2009, police went to Watson's residence to investigate a claim that Watson was in possession of stolen property and discovered a clandestine methamphetamine laboratory on Watson's property. On December 7, 2009, police went to Watson's residence to serve an arrest warrant on him and discovered another clandestine methamphetamine laboratory on his property. On that occasion, the police found chemical precursors and items used to manufacture methamphetamine in the house Watson shared with his children.

In Cause Number 65C01-0912-FB-118 (FB-118), the State charged Watson with two counts of dealing in methamphetamine, Class B felonies, for the July 15, 2008 and August 15, 2008 incidents. In Cause Number 65C01-0912-FB-119 (FB-119), the State charged Watson with dealing in methamphetamine, a Class B felony, and possession of methamphetamine, a Class D felony, for the April 2, 2009 incident. Finally, in Cause Number 65C01-0912-FA-121 (FA-121), the State charged Watson with dealing in methamphetamine, a Class A felony, possession of chemical reagents or precursors, a Class C felony, and possession of methamphetamine, a Class D felony, for the December 7, 2009 incident.

The parties entered into a plea agreement. Watson agreed to plead guilty as charged in FB-118, guilty to one count of dealing in methamphetamine as a Class B

felony in FB-119, and guilty to dealing in methamphetamine as a Class B felony in FA-121. In exchange, the State dismissed the remaining charges. The plea agreement did not include a specific sentence. The court accepted Watson's guilty plea and sentenced him to ten years, the advisory sentence, on each of the four convictions, to be served concurrently for an aggregate sentence of ten years.

Watson raises two issues, which we restate as:

- I. Whether the trial court abused its discretion during sentencing; and
- II. Whether Watson's sentence is inappropriate in light of the nature of the offense and the character of the offender.

#### I. SENTENCING STATEMENT

Sentencing decisions rest within the sound discretion of the trial court and, if the sentence is within the statutory range, are reviewed on appeal for an abuse of discretion. See Anglemyer v. State, 868 N.E.2d 482, 490 (Ind. 2007), clarified on reh'g, 875 N.E.2d 218 (Ind. 2007). An abuse of discretion occurs if the decision is clearly against the logic and effect of the facts and circumstances before the court, or the reasonable, probable, and actual deductions to be drawn therefrom. Id. (quotation omitted). Our Supreme Court has explained:

One way in which a trial court may abuse its discretion is failing to enter a sentencing statement at all. Other examples include entering a sentencing statement that explains reasons for imposing a sentence-including a finding of aggravating and mitigating factors if any-but the record does not support the reasons, or the sentencing statement omits reasons that are clearly supported by the record and advanced for consideration, or the reasons given are improper as a matter of law.

Id. at 490-91. Thus, when imposing a sentence for a felony offense, the trial court's sentencing statement must include a reasonably detailed recitation of the trial court's reasons for imposing a particular sentence. Id. at 490.

In this case, Watson argues that the trial court's sentencing statement is insufficient because the trial court failed to adequately articulate its reasons for Watson's sentence. During sentencing, the trial court made the following statement:

The Court finds that Mr. Watson has been cooperative with authorities, he has even worked as a confidential informant according to the Prosecuting Attorney, and according to his attorney. He has children, although those children have not been legally determined to be his, he claims those children. Most importantly, he has admitted his guilt, and pled guilty to each of the counts in each of the causes requested by the State. The State has dismissed others. The Court finds those matters to be strongly mitigating factors. The Court also notes that the sentence in Kentucky is ten (10) years. No matter what this Court does, he is going to get ten (10) years in Kentucky. The advisory sentence for each Class B Felony is ten (10) years. The Court finds there is no reason to believe that Mr. Watson's penalty should be aggravated beyond the ten (10) year penalty, and there is no reason to believe that it should be reduced below the advisory sentence. The Court has considered the convictions in Kentucky, which are also Class B Felonies, and according to the State, it is a conviction for a home burglary, a very serious matter. The Court sentences Mr. Watson on each of these counts in each matter to ten (10) years in the Indiana Department of Corrections, . . . .”

Tr. pp. 28-29. Furthermore, in each of the sentencing orders for the three cases, the trial court stated, “the aggravating factors and mitigating factors do not outweigh one another such as to allow the Court to impose a sentence greater or lesser than the advisory term, . . . .” Appellant's App. pp. 113, 117, and 121.

We determine that the trial court provided a reasonably detailed recitation of its reasons for imposing the sentence. Watson argues that the trial court should have

explained why his criminal record outweighs the numerous mitigating circumstances. We disagree. A trial court has no obligation to weigh aggravating and mitigating factors against each other when imposing a sentence. Anglemyer, 868 N.E.2d at 491. Here, the trial court identified several mitigating factors, identified one aggravating factor, and determined that the advisory sentence was appropriate. We find no abuse of discretion.

## II. APPROPRIATENESS OF SENTENCE

Watson's final sentencing challenge is governed by Indiana Appellate Rule 7(B), which provides, in relevant part, "[t]he 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." We may look to any factors appearing in the record to conduct the examination. Schumann v. State, 900 N.E.2d 495, 497 (Ind. Ct. App. 2009). The burden is on the defendant to demonstrate that his sentence is inappropriate. Major v. State, 873 N.E.2d 1120, 1130 (Ind. Ct. App. 2007), trans. denied.

The "nature of the offense" portion of the standard articulated in Appellate Rule 7(B) speaks to the statutory advisory sentence for the class of crimes to which the offense belongs. Id. Our Supreme Court has noted that the advisory sentence is the "starting point" the Legislature has selected as an appropriate sentence for the crime committed. Anglemyer, 868 N.E.2d at 494. However, this Court has held that although the advisory sentence may be the appropriate sentence, it is not a "mandatory starting point." Richardson v. State, 906 N.E.2d 241, 245 (Ind. Ct. App. 2009). For our purposes of review under Appellate Rule 7(B), we will first look to the advisory sentence to guide us

in determining whether the sentence imposed is appropriate given the nature of the offense and the character of the offender.

At the time Watson committed his crimes, the advisory sentence for a Class B felony was ten years, with a minimum of six years and a maximum of twenty years. Ind. Code § 35-50-2-5 (2005). The trial court sentenced Watson to ten years, the advisory sentence, on each conviction, to be served concurrently for an aggregate sentence of ten years.

Our review of the nature of the offenses reveals that Watson manufactured and dealt methamphetamine several times over the course of a year and a half. Watson had ample opportunity to end his criminal behavior but chose instead to continue.

The character of the offender portion of the standard refers to the general sentencing considerations and the relevant aggravating and mitigating circumstances. Major, 873 N.E.2d at 1131. In this case, Watson repeatedly manufactured methamphetamine over a lengthy period of time and was willing to sell it on several occasions. On at least one occasion, Watson manufactured methamphetamine in the home he shared with his children.

Watson argues that the trial court did not have sufficient regard for his guilty plea and his acceptance of responsibility. We disagree. The trial court determined that Watson's guilty plea was a "strongly mitigating" factor. Tr. p. 28. Furthermore, when a defendant receives a benefit in exchange for a guilty plea, the weight of a defendant's guilty plea is reduced. Roney v. State, 872 N.E.2d 192, 206 (Ind. Ct. App. 2007), trans. denied. Here, in exchange for Watson's guilty plea, one of the charges of dealing in

methamphetamine was reduced from a Class A felony to a Class B felony, and the State dismissed three other felony charges.

Watson also argues that his sentence is inappropriate because his children will suffer hardship while he is incarcerated. Watson's concern for his children is undercut by his manufacturing of methamphetamine, a process that involves toxic chemicals and the risk of explosion, in his children's home, thereby exposing them to danger. See Storey v. State, 875 N.E.2d 243, 253 (Ind. Ct. App. 2007), trans. denied (describing methamphetamine production as a "dangerous process").

Watson has failed to demonstrate that his ten-year advisory sentence is inappropriate. For the reasons stated above, we affirm the judgment of the trial court.

Affirmed.

MAY, J., and BAILEY, J., concur.