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IN THE
COURT OF APPEALS OF INDIANA

CHARLOTTE SAUNDERS,	)	
	)	
Appellant-Defendant,	)	
	)	
vs.	)	No. 71A04-0808-CR-482
	)	
STATE OF INDIANA,	)	
	)	
Appellee-Plaintiff.	)	

APPEAL FROM THE ST. JOSEPH SUPERIOR COURT
The Honorable John M. Marnocha, Judge
Cause No. 71D02-0703-FD-263

May 5, 2009

MEMORANDUM DECISION – NOT FOR PUBLICATION

RILEY, Judge

STATEMENT OF THE CASE

Appellant-Defendant, Charlotte Saunders (Saunders), appeals her sentence for possession of cocaine, as a Class D felony, Ind. Code § 35-48-4-6.

We affirm.

ISSUES

Saunders presents two issues for our review:

(1) Whether the trial court provided an adequate sentencing statement; and

(2) Whether her sentence is inappropriate.

FACTS AND PROCEDURAL HISTORY

On March 11, 2007, a police officer in South Bend, Indiana, saw Saunders standing in the middle of the street, clearly under the influence of "some kind of drug." (Appellant's App. p. 7). Saunders had in her possession crack cocaine and a smoking pipe. On March 13, 2007, the State filed an Information charging Saunders with Count I, possession of cocaine, as a Class D felony, I.C. § 35-48-4-6, and Count II, possession of paraphernalia, as a Class A misdemeanor, I.C. § 35-48-4-8.3. On August 23, 2007, Saunders and the State entered into a plea agreement by which Saunders would plead guilty to Count I, the State would dismiss Count II, and the executed portion of Saunders' sentence would be capped at two years.

On October 17, 2007, the trial court accepted the agreement and held a sentencing hearing. In sentencing Saunders, the trial court discussed her criminal history at length:

> In your situation, you have contacts with the law that go back to age eleven. . . Most of your juvenile matters are status offenses, but there are some referrals for criminal trespass, for battery, for theft, criminal mischief, prostitution, for battery, prostitution again, battery, battery, possession of cocaine. There were

> twenty-eight times between 1988 and 1995, that you were referred to the juvenile system, and nothing ever happened as far as you changing your life around. As far as adult criminal matters, you have sixteen convictions, twelve misdemeanors and four prior felonies, this being your fifth felony. You have a 1995 possession of cocaine, where you got misdemeanor treatment. Then you have a 1996 criminal mischief. And then going on down the line, a 1999 criminal conversion. Then there is a 1998 possession of cocaine, you got probation. In 1998 you have a criminal conversion. In 1998 you have a possession of paraphernalia and some driving stuff. Then also in '98 a false informing. Then in 1999 criminal conversion. . . . In 2001, driving, never had a license, 2002, driving never had a license. Then 2003, auto theft, as a felony, with a probation violation in that case. Then there is a 2002 prostitution. In 2003, there is a possession of cocaine, with a probation revocation in that case. That's your third felony. Then 2004, prostitution. Then 2004, there is a theft and prostitution. In 2007, driving while suspended, and then you have this case. . . . Further, you were on parole in Cause No. 71D02-0406-FD-561, at the time you committed this offense.

(Transcript pp. 23-25). The trial court imposed the maximum sentence permitted by the plea agreement, two years.

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

DISCUSSION AND DECISION

I. *Sentencing Statement*

Saunders argues that the trial court failed to provide a sufficient sentencing statement. We disagree. Under Indiana's advisory sentencing scheme, a trial court imposing a sentence for a felony offense is required to enter a sentencing statement that includes a reasonably detailed recitation of its reasons for imposing a particular sentence. *Anglemyer v. State*, 868 N.E.2d 482, 490 (Ind. 2007), *clarified on reh'g*, 875 N.E.2d 218 (Ind. 2007). Here, the trial court made it very clear that it was imposing the maximum sentence permitted under the plea agreement because of Saunders' extensive criminal history. The trial court filled three pages

of the sentencing transcript detailing Saunders' juvenile record (twenty-eight referrals) and her sixteen prior adult convictions (twelve misdemeanors and four felonies), and it also noted that Saunders was on parole for a previous crime when she committed the instant offense. We require sentencing statements because they (1) guard against arbitrary and capricious sentencing and (2) provide an adequate basis for appellate review. *Id*. at 489. The trial court's sentencing statement served both of those purposes.

II. *Appropriateness*

Saunders also contends that her sentence is inappropriate.[1] Again, we disagree. Indiana Appellate Rule 7(B) allows us to revise a sentence if, after due consideration of the trial court's decision, we find that the sentence is inappropriate in light of the nature of the offense and the character of the offender. Saunders pled guilty to Class D felony possession of cocaine, for which the statutory maximum sentence is three years. *See* I.C. § 35-50-2-7. However, her plea agreement capped the executed portion of her sentence at two years. The trial court imposed the maximum sentence allowed by the plea agreement because of Saunders' lengthy criminal history and because she was on parole for a prior crime when she committed this offense. Given Saunders' record, we agree with the trial court that her

[1] Saunders' counsel did not provide us with a copy of the pre-sentence investigation report. We urge counsel to do so in future sentencing appeals.

attorney "did a good job in keeping [her] away from the maximum sentence." (Tr. p. 25). Saunders' sentence is not inappropriate.

CONCLUSION

Based on the foregoing, we conclude that the trial court provided an adequate sentencing statement and that Saunders' sentence is not inappropriate.

Affirmed.

KIRSCH, J., and MATHIAS, J., concur.