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IN THE
COURT OF APPEALS OF INDIANA

RICHARD KECK,	)	
	)	
Appellant-Defendant,	)	
	)	
vs.	)	No. 36A01-1008-CR-469
	)	
STATE OF INDIANA,	)	
	)	
Appellee-Plaintiff.	)	

APPEAL FROM THE JACKSON CIRCUIT COURT
The Honorable William E. Vance, Judge
Cause No. 36C01-1003-FD-68

May 31, 2011

MEMORANDUM DECISION - NOT FOR PUBLICATION

MAY, Judge

Richard Keck appeals his sentence for Class D felony battery resulting in bodily injury.[1] He asserts his sentence is inappropriate based on his character and the nature of the offense. We affirm.

FACTS AND PROCEDURAL HISTORY

Keck entered a guilty plea to Class D felony battery resulting in bodily injury. The plea agreement provided his sentence would be capped at one and one-half years. On August 13, 2010, Keck was sentenced to one and one-half years incarcerated.

DISCUSSION AND DECISION

We may revise a sentence if it is inappropriate in light of the nature of the offense and the character of the offender. *Williams v. State*, 891 N.E. 2d 621, 633 (Ind. Ct. App. 2008) (citing Ind. Appellate Rule 7(B)). We consider not only the aggravators and mitigators found by the trial court, but also any other factors appearing in the record. *Roney v. State*, 872 N.E.2d 192, 206 (Ind. Ct. App. 2007), *trans. denied.* The appellant bears the burden of demonstrating his sentence is inappropriate. *Childress v. State*, 848 N.E.2d 1073, 1080 (Ind. 2006).

When considering the nature of the offense, the advisory sentence is the starting point to determine the appropriateness of a sentence, *Anglemyer v. State*, 868 N.E.2d 482, 494 (Ind. 2007), *clarified on reh'g* 878 N.E.2d 218 (Ind. 2007), because the Legislature selected the advisory sentence as appropriate for the crime committed. *Childress v. State*, 848 N.E.2d 1073, 1081 (Ind. 2006). For Class D felony battery resulting in bodily injury, Keck was

[1] Ind. Code § 35-42-2-1(a)(2)(B).

sentenced to the advisory term of one and one half years. *See* Ind. Code § 35-50-2-7. Keck struck a four-year-old child on the buttocks and back with a leather belt, causing welts and bruises. As Keck's offense is not less egregious than a typical battery contemplated by the legislature when it determined the advisory sentence, we cannot find Keck's sentence inappropriate based on the nature of his offense.

When considering the character of the offender, one relevant fact is the defendant's criminal history. *Rutherford v. State*, 866 N.E.2d 867, 874 (Ind. Ct. App. 2007). The significance of a criminal history in assessing a defendant's character varies based on the gravity, nature, and number of prior offenses in relation to the current offense. *Id*. Keck has eleven prior convictions, including misdemeanor battery, driving while suspended, neglect of a dependent, and non-support of a dependent child. He has violated probation eight times, and he admitted at his sentencing hearing that he was not a good candidate for probation. He was on parole for non-support of a dependent child when he committed the instant offense. Based on Keck's extensive criminal history, especially those convictions involving dependent children, we cannot say his sentence was inappropriate. Accordingly, we affirm.

Affirmed.

BAKER, J., and BRADFORD, J., concur.